Unknown

From: Shelley Hughes [ShelleyH@alaskapca.org]
Sent: Monday, February 11, 2008 4:46 PM
To: Rehfeld; Karen J (GOV); Palin; Sarah H (GOV)
Cc: Tibbles; Michael A (GOV); Kelly; Russell T (GOV); 20080515kkjackson_A; Butler; Jay (HSS-CDC); Carr; Patricia A (HSS); Millard; Mark A (HSS); Kim; Anna C (GOV)
Subject: Trust and ALPHA Lttrs of Support

Passing these letters to the Governor your way.....

Shelley S. Hughes
Government Affairs Director
Alaska Primary Care Association
www.alaskapca.org
shelley@alaskapca.org
903 West Northern Lights Blvd Ste 200
Anchorage AK 99503
907.841.1634 cell (best contact)
907.929.2728 phone
907.929.2734 fax
"Uncompromising in the pursuit of access to primary care for all Alaskans"

* * * * * * * * * * * * * *

www.alaskapca.org
Browse APCA's helpful online advocacy information and resources.

From: Shelley Hughes
Sent: Monday, February 11, 2008 8:11 AM
To: 'Rehfeld, Karen J (GOV)'; Palin, Sarah H (GOV)
Cc: Tibbles, Michael A (GOV); Kelly, Russell T (GOV); Jackson, Karleen K (HSS); Butler, Jay (HSS-CDC); Carr, Patricia A (HSS); Millard, Mark A (HSS); Kim, Anna C (GOV)
Subject: RE: Follow-up: CHC Request for Amended Budget

Dear Karen,

Thank you for your response. The CHCs across the state appreciate the fact that the Administration is conscious of the value as well as the current needs of the clinics. Please be aware that for 2 years we have been in touch with the Department (Health Planning and Systems Development Office) and the Commissioner about the challenges the CHCs have been facing and the need for state support. We put a proposal on the table in FY08, and began the process for the FY09 proposal early last year, working through the summer of 2007 with the Department to gather the data and examine priorities for this FY09 proposal. The request was in the Commissioner's hands by early September, and a revised version with her valuable suggestions incorporated was back with her by October 2nd.

We know a review of the impact of state support on long term planning and cost management is an essential step.* That it has not yet been underway and that more time is needed at this time is of concern, as it will likely mean delays that cost the CHCs the success of funding for the proposal this year. This is of huge concern to us, and to them as they face precarious budget shortfalls. We know the Governor wants to increase access, not decrease it- a delay at this time will reduce access. Thus, we strongly urge the Administration to expedite the process.

We look forward to working with you and others in the Administration, standing ready to be of assistance. We trust that support for the request – and the Governor's leadership to champion CHCs as a way to cost effectively increase access to quality care – will be forthcoming.

Thank you,

Shelley

*Please note that the full version of our report/proposal clearly makes the case, with references to studies, for positive impact for both long term planning and cost management. Here again is the link to download the file: http://www.alaskapca.org/CHCStateFundingPublication.aspx?id=1294

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From: Rehfeld, Karen J (GOV) [mailto:karen.rehfeld@alaska.gov]
Sent: Saturday, February 09, 2008 12:16 PM
To: Shelley Hughes; Palin, Sarah H (GOV)
Cc: Tibbles, Michael A (GOV); Kelly, Russell T (GOV); Jackson, Karleen K (HSS); Butler, Jay (HSS-CDC); Carr, Patricia A (HSS); Millard, Mark A (HSS); Kim, Anna C (GOV)
Subject: RE: Follow-up: CHC Request for Amended Budget

Dear Shelley – It was a pleasure to meet with you and discuss your request to include $13 million in the governor's amended budget for community health centers. The Department of Health & Social Services is looking very seriously at the proposal to evaluate the impact on long range health care planning and cost management. Clearly, this review won't be completed in time for the governor's budget amendments that are due to the legislature on February 13. I know that legislators and others are also looking at this request. Thank you for your efforts to improve access to primary care in Alaska! Karen

****

Karen J. Rehfeld, Director
Office of Management & Budget
465-3568

karen.rehfeld@alaska.gov

From: Shelley Hughes [mailto:ShelleyH@alaskapca.org]
Sent: Wednesday, February 06, 2008 5:32 PM
To: Palin, Sarah H (GOV)
Cc: Tibbles, Michael A (GOV); Rehfeld, Karen J (GOV); Kelly, Russell T (GOV); Jackson, Karleen K (HSS); Butler, Jay (HSS-CDC); Carr, Patricia A (HSS); Millard, Mark A (HSS)
Subject: Follow-up: CHC Request for Amended Budget

Letter is pasted below and attached for your convenience. In the event that the email process distorts the

formatting, please refer to the attached.
Thank you,
Shelley Hughes

[x] AKPCA Long Logo

Honorable Sarah Palin
Third Floor, State Capitol Building
Juneau, Alaska 99801

February 6, 2008

Re: Important Item for Your Amended Budget: CHCs

Dear Governor Palin,

Thank you for your help arranging my meeting with Karen Rehfeld as well as for the privilege of meeting with your Legislator Director, Russ Kelly. I discussed with these key advisors of yours the critical role Community Health Centers (CHCs) are filling throughout Alaska and their need for support. Because I know you are not interested in the "same-old, same-old" when results don't measure up, and I know you're open to innovative approaches that are based on sound principles, I am asking you to be a champion on health care issues – even beyond what you've already been through your current bills in the legislature – by championing CHCs as part of a real, here and now, cost-effective, quality solution to the rising cost of health care and the need for access for Alaskans.

This is a statewide issue, with 124 CHC sites sprinkled across the entire state. It is an issue that needs to be championed by our leader of Alaska, you, Governor Palin. I'll give you the bottom line now instead of waiting until the conclusion of this letter: can we count on you to insert a first-time $13 million CHC funding in your amended budget? Yes, the $13 million request is no small number, but please keep in mind two things: 1) with 80,000 patients and 124 CHC sites throughout the state, the ratio is $105,000/site and 2) CHCs save substantial Medicaid dollars.

As a fan of marketplace solutions like you are, let me point out that CHCs provide primary care access for areas and populations *where no competitive marketplace exist*. I have been in conversations with the Heritage Foundation regarding this issue the last couple of months; Ed Haislmeier assured me that it is indeed the government's role to assist in a scenario such as ours.

As I discussed with Karen and Russ, CHCs are in a precarious place, with declining revenues, a growing patientload of uninsured and low income Alaskans accompanied by rising operational costs, and an extremely severe workforce shortage. We're one of a handful of states that have been making these open-door, fee-scale clinics available to Alaskans without any direct state funding. But providing primary care (basic medical, dental and behavioral health) to now over 80,000 Alaskans, we are at a juncture where we need state support.

As you know, the Alaska Health Care Strategies Planning Council, in their report, clearly recommended state investment and support to strengthen and expand CHCs. The Council recognized the valuable and cost-effective quality care and access CHCs provide. The fact that Medicaid patients who use CHCs as their medical homes save Medicaid 33% is an important consideration in light of the growing Medicaid budget.

The Federal OMB realizes CHCs' cost-effective quality and value and has given CHCs the highest ranking possible in their scoring system. CHCs are proven providers and have a history of accountability and performance. CHCs stretch the dollar and operate with a high level of excellence. Health outcomes improve in communities with CHCs.

Please remember too, that CHCs are one of the sole providers left in the state that are accepting new Medicare patients. CHCs are an essential resource to our seniors; these clinics are also working to provide access to veterans in outlying areas.

Our request is summarized in the hardcopy brochures I left with Karen and Russ last week. Electronic versions of both the brochure and the full version of the request (103 pages) with data and details are available for download here: http://www.alaskapca.org/CHCStateFundingPublication.aspx?id=1294 . The request is divided between 4 critical categories of need: workforce recruitment and retention, a one-time capital request for HIT infrastructure, marketing (to get the word out to seniors, those on Medicaid, etc.), and energy assistance.

I've also attached a document, *What Alaska Can Expect In Return for Investing in CHCs*, which will provide you with some good numerical insight into the benefit of state investment in CHCs as well as the relevant APCA Board Resolution. I'd be happy to address any questions you may have.

And now the bottom line again: will you step out and champion the CHCs in Alaska as part of your plan to address cost, quality access issues in Alaska? Will you add the $13 million to your amended budget to help turn the tide? The expansion and strengthening of primary care lowers overall health care spending and creates healthier communities. You can't go wrong.

Thank you for your steadfast service to Alaskans and your dedication to finding solutions to the important health care issues we face today.

Joining with you to pursue quality, cost-effective primary care access for all Alaskans,

[X] final blue signature

Shelley S. Hughes
Government Affairs Director
Alaska Primary Care Association

Cc: Karen Rehfeld, Director, Office of Management and Budget
Russ Kelly, Legislative Director, Office of the Governor
Mike Tibbles, Chief of Staff, Office of the Governor
Karleen Jackson, Commissioner, DHSS
Jay Butler, M.D., Chief Medical Officer, DHSS
Pat Carr, Health Program Manager IV, Health Planning and Systems Development, DHSS
Mark Millard, Health Program Manager III, Primary Care Office, DHSS

Shelley S. Hughes
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903 West Northern Lights Blvd Ste 200
Anchorage AK 99503

10/29/2009

Unknown

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Sent: Monday, February 11, 2008 8:11 AM
To: Rehfeld; Karen J (GOV); Palin; Sarah H (GOV)
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Government Affairs Director
Alaska Primary Care Association

Cc: Karen Rehfeld, Director, Office of Management and Budget
Russ Kelly, Legislative Director, Office of the Governor
Mike Tibbles, Chief of Staff, Office of the Governor
Karleen Jackson, Commissioner, DHSS
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Pat Carr, Health Program Manager IV, Health Planning and Systems Development, DHSS
Mark Millard, Health Program Manager III, Primary Care Office, DHSS

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Unknown

From: Irwin, Tom E (DNR) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TEIRWIN]
Sent: Monday, February 11, 2008 11:51 PM
To: 'gov.sarah@yahoo.com'
Subject: Re: Birthday

Privileged or Personal Material Redacted

----- Original Message -----

From: gov.sarah@yahoo.com <gov.sarah@yahoo.com>

To: Irwin, Tom E (DNR)

Sent: Mon Feb 11 21:51:20 2008

Subject: Re: Birthday

Thank you! And if CP is ticked that I told anyone I met with them, and they intend to punish us for it, then they've got strange tactics. My meeting schedule is a public document, for one. Also, haven't they heard us say all along that we weren't doing anything in secret with AGIA?

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Irwin, Tom E (DNR)" <tom.irwin@alaska.gov>

Date: Mon, 11 Feb 2008 16:25:28

To:gov.sarah@yahoo.com

Subject: Re: Birthday

Great. Now I am not late. Let me try again :)

!!!! HAPPY BIRTHDAY !!!!!!

You probably think I am crazy- it does show sometimes.

I think the meeting was worthwhile also. Tom

----- Original Message -----

From: gov.sarah@yahoo.com <gov.sarah@yahoo.com>

To: Irwin, Tom E (DNR)

Sent: Mon Feb 11 16:18:14 2008

Subject: Re: Birthday

Nah- it was just my party yesterday, but the rest of the family enjoyed themselves and Grandma's cake she brought for the crew- they understood why I wasn't there. My real b'day is today so it was not a big darn deal to get that CP update accomplished yesterday - in fact I'm so glad we did it so I could hear it all for myself.

------Original Message------

From: Tom Irwin

To: Governor Sarah Palin

Sent: Feb 11, 2008 3:43 PM

Subject: Birthday

I was just told that yesterday was your birthday. Gads, you spent a big part of it with us and we didn't even celebrate. No excuses just Sorry!!!! Happy Birthday and my God bless you way beyond anything you can ever imagine! Tom

Sent from my BlackBerry® device from Cellular One

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 10:21 PM
To: Frank Bailey; Perry; Kristina Y (GOV)
Subject: Fw: Confidential: KABATA

Privileged or Personal Material Redacted

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: gov.sarah@yahoo.com

Date: Tue, 12 Feb 2008 07:17:11

To:"Talis Colberg" <talis.colberg@alaska.gov>

Subject: Confidential: KABATA

Talis- I can't open this, but I'll ask Randy about it tomorrow. Privileged or Personal Material R

Privileged or Personal Material Redacted

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Colberg, Talis J (LAW)" <talis.colberg@alaska.gov>

Date: Mon, 11 Feb 2008 14:54:10

To:gov.sarah@yahoo.com

Cc:"Tibbles, Michael A (GOV)" <mike.tibbles@alaska.gov>

Subject: FW: KABATA

Dear Governor Palin and Mr. Tibbles,

Privileged or Personal Material Redacted

Privileged or Personal Material Redacted Governor, if the attachment does not open let me know immediately and I will get you a hard copy. Talis

---

From: Goodwin, Elizabeth (LAW)

Sent: Monday, February 11, 2008 2:39 PM

To: Colberg, Talis J (LAW); Tillery, Craig J (LAW); Cantor, James E (LAW)

Cc: Stark, Jeffrey P (LAW)

Subject: KABATA

Jeff Stark asked to e-mail to you the attached memo to Randy Ruaro. Thanks.

Beth Goodwin

Law Office Assistant

Transportation Section

Attorney General's Office

Beth.Goodwin@alaska.gov <mailto:Beth.Goodwin@alaska.gov>

(T) 269-5162

(F) 279-5832

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 9:45 PM
To: Colberg; Talis J (LAW)
Cc: Tibbles; Michael A (GOV); Ruaro; Randall P (GOV)
Subject: Re: KABATA

Privileged or Personal Material Redacted

I'll ask Randy to summarize their document for me tomorrow. Thanks

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Colberg, Talis J (LAW)" <talis.colberg@alaska.gov>

Date: Mon, 11 Feb 2008 14:54:10

To:gov.sarah@yahoo.com

Cc:"Tibbles, Michael A (GOV)" <mike.tibbles@alaska.gov>

Subject: FW: KABATA

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Privileged or Personal Material Redacted

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Beth Goodwin

Law Office Assistant

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Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 7:44 PM
To: Rutherford; Marty K (DNR)
Subject: Re: Happy Birthday!!!!

Thanks so much! I'm having a ball - thanks to you and some of the most amazing Alaskans I've ever met. We're thankful you've chosen public service at this time in your life. Thank you!

----- Original Message -----

From: Rutherford, Marty K (DNR)

To: Palin, Sarah (GOV sponsored)

Sent: Mon Feb 11 19:04:30 2008

Subject: Happy Birthday!!!!

Governor,

I didn't get an opportunity to say Happy Birthday to you yesterday, in person. However, I know today is your actual birthday and I just hope you are able to have a bit of fun. So HAPPY BIRTHDAY and thank you so very much for sharing your life with Alaskans, and for being such a wonderful Governor who puts Alaska first!

God bless you!

Marty

Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 7:40 PM
To: Irwin; Tom E (DNR); Rutherford; Marty K (DNR)
Subject: Re: Confidential: CP mtg/KTUU

Privileged or Personal Material Redacted

Privileged or Personal Materi[al Redacted] Thanks!

----- Original Message -----

From: Irwin, Tom E (DNR)

To: Palin, Sarah (GOV sponsored); Rutherford, Marty K (DNR)

Sent: Mon Feb 11 18:52:59 2008

Subject: Re: Confidential: CP mtg/KTUU

Governor, Privileged or Personal Material Redacted

Privileged or [Personal Material Redacted]

Privileged or Personal Material Redacted. Tom

----- Original Message -----

From: Palin, Sarah (GOV sponsored)

To: Irwin, Tom E (DNR); Rutherford, Marty K (DNR)

Sent: Mon Feb 11 17:58:23 2008

Subject: Confidential: CP mtg/KTUU

Privileged or Personal Material Redact[ed]

----- Original Message -----

From: Balash, Joseph R (GOV)

To: Palin, Sarah (GOV sponsored); Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Tibbles, Michael A (GOV)

Sent: Mon Feb 11 17:21:06 2008

Subject: RE: CP mtg/KTUU

Governor:

Commissioner Galvin did talk with Jim Bowles today to follow up on the discussion from yesterday. Bowles did report that their Juneau people were getting questions from legislators about how the meeting went. They are discouraged that anyone would know about the meeting or the details of the conversation. He went so far as to say that if we went public with those details, we would not like how they had to respond.

Privileged or Personal Material Redacted

Joe

From: Palin, Sarah (GOV sponsored)

Sent: Mon 2/11/2008 2:09 PM

To: Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Balash, Joseph R (GOV); Tibbles, Michael A (GOV)

Subject: CP mtg/KTUU

In case he asks: Bill McAllister asked why, after all our mtgs with CP (even discussing their "Plan" yesterday for four hours), we still don't know what they're asking for - in terms of fiscal certainty. I told him we still don't know tax rate request, but the 20-25 year tax lock-up has been discussed publicly by CP, but I'm sure not convinced of the need or Constitionality of locking up any longer than the decade we discussed early in AGIA debate.

I said it sounded like the AK CP officials had to speak with Mulva this week - maybe after their meetings Outside we'd hear more about their "Plan"... and we continue to fulfill our

committtment to not dismiss any ideas on how to commercialize our gas - but we're committed to AGIA and there's no need to stray from it today.

Unknown

From: Irwin, Tom E (DNR) [tom.irwin@alaska.gov]
Sent: Monday, February 11, 2008 6:53 PM
To: Palin; Sarah (GOV sponsored); Rutherford; Marty K (DNR)
Subject: Re: Confidential: CP mtg/KTUU

Governor, Privileged or Personal Material Redacted

Privileged or

Privileged or Personal Material Redacted Tom

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Subject: RE: CP mtg/KTUU

Governor:

Commissioner Galvin did talk with Jim Bowles today to follow up on the discussion from yesterday. Bowles did report that their Juneau people were getting questions from legislators about how the meeting went. They are discouraged that anyone would know about the meeting or the details of the conversation. He went so far as to say that if we went public with those details, we would not like how they had to respond.

Privileged or Personal Material Redacted

Privileged or Personal Material Redacted

Joe

From: Palin, Sarah (GOV sponsored)

Sent: Mon 2/11/2008 2:09 PM

To: Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Balash, Joseph R (GOV); Tibbles, Michael A (GOV)

Subject: CP mtg/KTUU

In case he asks: Bill McAllister asked why, after all our mtgs with CP (even discussing their "Plan" yesterday for four hours), we still don't know what they're asking for - in terms of fiscal certainty. I told him we still don't know tax rate request, but the 20-25 year tax lock-up has been discussed publicly by CP, but I'm sure not convinced of the need or Constitionality of locking up any longer than the decade we discussed early in AGIA debate.

I said it sounded like the AK CP officials had to speak with Mulva this week - maybe after their meetings Outside we'd hear more about their "Plan"... and we continue to fulfill our committment to not dismiss any ideas on how to commercialize our gas - but we're committed to AGIA and there's no need to stray from it today.

Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 5:58 PM
To: Irwin; Tom E (DNR); Rutherford; Marty K (DNR)
Subject: Confidential: CP mtg/KTUU

Privileged or Personal Material Redacte

----- Original Message -----

From: Balash, Joseph R (GOV)

To: Palin, Sarah (GOV sponsored); Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Tibbles, Michael A (GOV)

Sent: Mon Feb 11 17:21:06 2008

Subject: RE: CP mtg/KTUU

Governor:

Commissioner Galvin did talk with Jim Bowles today to follow up on the discussion from yesterday. Bowles did report that their Juneau people were getting questions from legislators about how the meeting went. They are discouraged that anyone would know about the meeting or the details of the conversation. He went so far as to say that if we went public with those details, we would not like how they had to respond.

Privileged or Personal Material Redacted

Joe

From: Palin, Sarah (GOV sponsored)

Sent: Mon 2/11/2008 2:09 PM

To: Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Balash, Joseph R (GOV); Tibbles, Michael A (GOV)

Subject: CP mtg/KTUU

In case he asks: Bill McAllister asked why, after all our mtgs with CP (even discussing their "Plan" yesterday for four hours), we still don't know what they're asking for - in terms of fiscal certainty. I told him we still don't know tax rate request, but the 20-25 year tax lock-up has been discussed publicly by CP, but I'm sure not convinced of the need or Constitionality of locking up any longer than the decade we discussed early in AGIA debate.

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Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 5:57 PM
To: Leighow, Sharon W (GOV); Leschper, Beth (GOV); Tibbles, Michael A (GOV)
Subject: Fw: CP mtg/KTUU

Mike- Privileged or Personal Material Redacted
Privileg

----- Original Message -----

From: Palin, Sarah (GOV sponsored)

To: Balash, Joseph R (GOV); Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Tibbles, Michael A (GOV)

Sent: Mon Feb 11 17:53:32 2008

Subject: Re: CP mtg/KTUU

Nope- no one is to discourage open dialogue with the public on when and where I meet with CP. After getting beat up for how long now bc the public is led to believe we aren't willing to hear them out- I will not hide any discussions with CP. And there was never any discussion re: not acknowledging the mtg. In fact, had I gone forward with the original plan of a Monday mtg in the Capitol, everyone would have known and I'd have even allowed the press to be there if they requested.

I did not talk about anything that CP hasn't already talked about publicly.

----- Original Message -----

From: Balash, Joseph R (GOV)

To: Palin, Sarah (GOV sponsored); Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Tibbles, Michael A (GOV)

Sent: Mon Feb 11 17:21:06 2008

Subject: RE: CP mtg/KTUU

Governor:

Commissioner Galvin did talk with Jim Bowles today to follow up on the discussion from yesterday. Bowles did report that their Juneau people were getting questions from legislators about how the meeting went. They are discouraged that anyone would know about the meeting or the details of the conversation. He went so far as to say that if we went public with those details, we would not like how they had to respond.

Privileged or Personal Material Redacted

Joe

From: Palin, Sarah (GOV sponsored)

Sent: Mon 2/11/2008 2:09 PM

To: Rutherford, Marty K (DNR)

Cc: Irwin, Tom E (DNR); Galvin, Patrick S (DOR); Balash, Joseph R (GOV); Tibbles, Michael A (GOV)

Subject: CP mtg/KTUU

In case he asks: Bill McAllister asked why, after all our mtgs with CP (even discussing their "Plan" yesterday for four hours), we still don't know what they're asking for - in terms of fiscal certainty. I told him we still don't know tax rate request, but the 20-25 year tax lock-up has been discussed publicly by CP, but I'm sure not convinced of the need or Constitionality of locking up any longer than the decade we discussed early in AGIA debate.

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Unknown

From: Irwin, Tom E (DNR) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TEIRWIN]
Sent: Monday, February 11, 2008 4:25 PM
To: 'gov.sarah@yahoo.com'
Subject: Re: Birthday

Great. Now I am not late. Let me try again :)

!!!! HAPPY BIRTHDAY !!!!!!

You probably think I am crazy- it does show sometimes.

I think the meeting was worthwhile also. Tom

----- Original Message -----

From: gov.sarah@yahoo.com <gov.sarah@yahoo.com>

To: Irwin, Tom E (DNR)

Sent: Mon Feb 11 16:18:14 2008

Subject: Re: Birthday

Nah- it was just my party yesterday, but the rest of the family enjoyed themselves and Grandma's cake she brought for the crew- they understood why I wasn't there. My real b'day is today so it was not a big darn deal to get that CP update accomplished yesterday - in fact I'm so glad we did it so I could hear it all for myself.

------Original Message------

From: Tom Irwin

To: Governor Sarah Palin

Sent: Feb 11, 2008 3:43 PM

Subject: Birthday

I was just told that yesterday was your birthday. Gads, you spent a big part of it with us and we didn't even celebrate. No excuses just Sorry!!!! Happy Birthday and my God bless you way beyond anything you can ever imagine! Tom

Sent from my BlackBerry® device from Cellular One

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 2:37 PM
To: Frye; Ivy J (DOA)
Subject: Re: Happy Birthday!

Thank you!!!

------Original Message------

From: Ivy Frye

To: Governor Sarah Palin

Sent: Feb 11, 2008 6:33 AM

Subject: Happy Birthday!

Hope you have a terrific day.

Sent from my BlackBerry® device from Cellular One

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 2:36 PM
To: PARNELL; S (GOV sponsored)
Subject: Re: HAPPY BIRTHDAY!

Thank you Lt. Governor!

------Original Message------

From: PARNELL, S (GOV sponsored)

To: Governor Sarah Palin

Sent: Feb 11, 2008 7:01 AM

Subject: HAPPY BIRTHDAY!

Hope you have a good birthday today! You've almost caught up with my aged state...:)

Sent from my BlackBerry® device from Cellular One

Unknown

From: Cayce, Sunny C (GOV) [sunny.cayce@alaska.gov]
Sent: Monday, February 11, 2008 2:20 PM
To: Governor Sarah Palin (GOV sponsored)
Cc: Smith; Lynne M (GOV); Castle; Lillian K (GOV)
Subject: RE: Rural/Native

At Mike Nizich's request, I am forwarding this to Lynne. I guess Mike Black at Commerce is working on it.

Sunny

-----Original Message-----

From: Governor Sarah Palin (GOV sponsored)

Sent: Monday, February 11, 2008 1:52 PM

To: Cayce, Sunny C (GOV)

Subject: FW: Rural/Native

Sunny,

Is Nizich still working on this???

Donna

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Monday, February 11, 2008 12:41 PM

To: Governor Sarah Palin (GOV sponsored)

Subject: Rural/Native

Web mail from: Kimberly Kevwitch

address: 4594 West Mineral Drive #428 Littleton CO 80128

303-669-9077

MESSAGE:

Hello! I was wondering what the state of Alaska was doing in regards with helping Shishmaref thus far and what Alaska is planning to help with in the future. Please let me know asap, I would really appreciate it. Thanks Kim

kkevwitch@q.com

Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 2:09 PM
To: Rutherford; Marty K (DNR)
Cc: Irwin; Tom E (DNR); Galvin; Patrick S (DOR); Balash; Joseph R (GOV); Tibbles; Michael A (GOV)
Subject: CP mtg/KTUU

In case he asks: Bill McAllister asked why, after all our mtgs with CP (even discussing their "Plan" yesterday for four hours), we still don't know what they're asking for - in terms of fiscal certainty. I told him we still don't know tax rate request, but the 20-25 year tax lock-up has been discussed publicly by CP, but I'm sure not convinced of the need or Constitionality of locking up any longer than the decade we discussed early in AGIA debate.

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Unknown

From: Palin, Sarah (GOV sponsored) [govpalin@alaska.gov]
Sent: Monday, February 11, 2008 2:07 PM
To: Davis, Susan M (GOV)
Subject: Thank you!

For the warm wishes - I thank you Susan! Have a great day.

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 1:52 PM
To: Cayce; Sunny C (GOV)
Subject: FW: Rural/Native

Sunny,

Is Nizich still working on this???

Donna

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Monday, February 11, 2008 12:41 PM

To: Governor Sarah Palin (GOV sponsored)

Subject: Rural/Native

Web mail from: Kimberly Kevwitch

address: 4594 West Mineral Drive #428 Littleton CO 80128

303-669-9077

MESSAGE:

Hello! I was wondering what the state of Alaska was doing in regards with helping Shishmaref thus far and what Alaska is planning to help with in the future. Please let me know asap, I would really appreciate it. Thanks Kim

kkevwitch@q.com

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 1:44 PM
To: streamjet1@outdrs.net
Subject: RE: Other

Thank you for writing to Alaska Governor Sarah Palin. The concerns, opinions, and/or information you have sent are important and valuable to the Governor. Although she is unable to respond to each and every email herself, your message has been received and is being reviewed by the appropriate staff person in this office who can best address your need, suggestion, or comment.

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Monday, February 11, 2008 1:33 PM

To: Governor Sarah Palin (GOV sponsored)

Subject: Other

Web mail from: Mr. Leonard Caskey

address: 3927 Victory Dr. SW Port Orchard WA 98367

360-674-2675

MESSAGE:

Governor Palin,

You don't know how good it feels to hear a Governor or any high official speek positive of the citizens rights. Especialy the 2nd Amendment.

Washington used to be that way, but not any more. We have been overun with bleeding hearts and our officials feel the only rights we have are the ones they give us.

My next perminent home will be in Alaska. You can take that to the bank.

I am impressed with your attitude, the knowledge and common sense you show.

Thank You.

Leonard Caskey

streamjet1@outdrs.net

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 12:46 PM
To: Leighow; Sharon W (GOV)
Subject: Re: please approve

Looks good thanks

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Leighow, Sharon W (GOV)" <sharon.leighow@alaska.gov>

Date: Mon, 11 Feb 2008 12:38:54

To:Sarah Palin <gov.sarah@yahoo.com>

Subject: please approve

FOR IMMEDIATE RELEASE No: 08-0XX

Governor Palin Signs 'Safe Haven' Bill Into Law

Bill allows parents to surrender newborns without prosecution

February 11, 2008, Juneau, Alaska – Governor Sarah Palin signed House Bill 29 into law today. The "Safe Haven for Infants Act" passed the State House in May and passed the Senate on January 19.

The bill allows a parent to safely surrender a newborn child without the threat of prosecution, as long as there is no evidence the infant has been physically injured.

Without penalty, a parent may leave the infant in the physical custody of a peace officer, physician or hospital employee, or a volunteer or employee of a fire station or emergency medical service.

"All children deserve to begin their lives in a loving, protective family," Governor Palin said. "When that fails, it is our job as a state to make sure that children are protected. I thank the bill's sponsor, Representative Gabrielle LeDoux, for her hard work and persistence in bringing this bill forward."

Under HB 29, if a parent wishes to relinquish his or her parental rights and release the infant for adoption, the person receiving the infant must contact the Department of Health and Social Service.

The Department of Health and Social Services will begin educating emergency responders and the public about the law and how an infant may be safely surrendered.

"Unfortunately, abandonment of infants has occurred in Alaska," HSS Commissioner Karleen Jackson said. "It is our hope that the passage of the 'Safe Haven' act has ended that

forever."

# # #

Contact: Susan Morgan, (907) 269-4996, Cell (907) 632-6107
Cathy Stadem, (907) 269-3495, Cell (907) 529-1520

Sharon Leighow

Deputy Press Secretary

Deputy Communications Director

(907) 269-7450 Anchorage

(907) 465-4031 Juneau

(907) 240-7943 cell

Unknown

From: Von Scheben, Leo (DOT) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=LVON_SCHEBEN]
Sent: Monday, February 11, 2008 10:38 AM
To: 'gov.sarah@yahoo.com'
Subject: Re: Valley highways

I will get something to you monday aftenoon. My staff working on it as we speak. Leo

----- Original Message -----

From: gov.sarah@yahoo.com <gov.sarah@yahoo.com>

To: Rehfeld, Karen J (GOV); Von Scheben, Leo (DOT)

Sent: Sun Feb 10 09:22:55 2008

Subject: Valley highways

Leo- let's make sure adequate funding for continued progress on Palmer-Wasilla Hwy is in this ye's budgets- any amendments have to be in by Tuesday. The road, as you know, is deadly and so overcrowded.

Sent from my BlackBerry® device from Cellular One

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 10:01 AM
To: Leighow; Sharon W (GOV)
Cc: Mason; Janice L (GOV); Savland; Monica L (GOV)
Subject: FW: Fish_and_Game

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Sunday, February 10, 2008 10:35 AM

To: Governor Sarah Palin (GOV sponsored)

Subject: Fish_and_Game

Web mail from: Mr. Charlie Ess

address: North Pacific Bureau Chief National Fisherman magazine AK 99674

MESSAGE:

Hi,

Just a quick note for either Sarah or Cora. I'm jamming a few news highlights from 2007 into our Yearbook issue which publishes in April and wanted to run 75 to 100 words about Sarah's/your first year in office. The big question? Did she/you find time to fish Bristol Bay again this summer? And for how long?

Cheers, and good luck in the year ahead, Charlie Ess

essays@alaska.net

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 10:00 AM
To: Ruaro; Randall P (GOV); Von Scheben; Leo (DOT)
Cc: Rehfeld; Karen J (GOV); Tibbles; Michael A (GOV)
Subject: Re: Message from Commissioner Von Scheben

I just need specifically the palmer-wasilla hwy funding answers, hopefully he can get me that for the mayors and assemby and both city councils. Thanks

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Ruaro, Randall P (GOV)" <randall.ruaro@alaska.gov>

Date: Mon, 11 Feb 2008 08:58:13

To:gov.sarah@yahoo.com

Cc:"Rehfeld, Karen J (GOV)" <karen.rehfeld@alaska.gov>,"Tibbles, Michael A (GOV)" <mike.tibbles@alaska.gov>

Subject: Message from Commissioner Von Scheben

Governor:

Commissioner Von Scheben called and asked me to let you know he is working on getting you the information about funding and roads in the Mat-Su. I believe he will be sending it to Karen Rehfeld and the Chief-of-Staff as well.

Randy

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 9:52 AM
To: Leighow; Sharon W (GOV); Mason; Janice L (GOV)
Subject: FW: Elections

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Sunday, February 10, 2008 7:41 PM

To: Governor Sarah Palin (GOV sponsored)

Subject: Elections

Web mail from: Mr. John Stobaugh

address: 2907 Elm Trail Round Rock TX 78681

5122441987

MESSAGE:

I'm hoping that John McCain is getting in touch with you to convince you to join the ticket!!

A disabled combat veteran and a fan...

john_stobaugh@sbcglobal.net

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 9:40 AM
To: Mason; Janice L (GOV)
Cc: Leighow; Sharon W (GOV)
Subject: FW: Other

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Monday, February 11, 2008 9:43 AM

To: Governor Sarah Palin (GOV sponsored)

Subject: Other

Web mail from: Mr. Thomas Llanos

address: 3061 Lois Drive Apt. 608 Anchorage AK 99517

907.279.4244

MESSAGE:

Dear Mrs. Palin,

I saw this website on ADN.COM. Where they want you for Vice President of the United States of America.

Granted.

I like you and your administration. I voted for you.

But don't leave us.

If you do decide to go. Who are we going to rely on?

I hope you think about your future here.

I just wanted to say that.

Respectfully,

Thomas G. Llanos

thomasllanos@hotmail.com

Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, February 11, 2008 1:43 PM
To: Mason; Janice L (GOV)
Subject: FW: Happy Birthday

Janice,
I thought this was a threat, but I think he is saying she doesn't want to catch up with him because he is 85. Please let me know if you think different and I will send it to Tom.
Donna

From: jay [mailto:jaynolfi@mtaonline.net]
Sent: Monday, February 11, 2008 1:23 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Happy Birthday

Governor Sarah, I wish you a happy, healthy and safe Birthday!

Careful, you don't want to catch up to me! (85)

Jay Nolfi

Unknown

From: Sarah Palin [gov.sarah@yahoo.com]
Sent: Monday, February 11, 2008 10:12 AM
To: Mason; Janice L (GOV)
Subject: Fwd: Sched

did u received?

Note: forwarded message attached.

Unknown

From: Leschper, Beth (GOV) [beth.leschper@alaska.gov]
Sent: Monday, February 11, 2008 9:48 AM
To: ExternalEmailgsp; Palin; Sarah (GOV sponsored)
Cc: Tibbles; Michael A (GOV); Mason; Janice L (GOV); Leighow; Sharon W (GOV)
Subject: Monday Safe Haven Bill Signing

Governor:

A hard copy is in a folder with Janice.
Our leg office has also looked over this draft.

Beth

Safe Haven Bill Signing
February 11, 2008
Governor Palin

Rep. Gabriel LeDoux
Comm Karleen Jackson
Comm Annette Kreitzer
Tammy Sandoval (OCS director)
Mike Lesmann (OCS legislative liaison)
Jan Rutherdale (Atty-Child Protection Section)

House Bill 29 "Safe Haven for Infants Act"

- Good afternoon. All children deserve to begin their lives in a loving, protective family. Children should have the opportunity to succeed as they grow in a safe and supportive home. But when that fails, it's our job as a state is to make sure that children are protected.

- In Alaska, we **have** seen cases where infants have been abandoned or fatally injured. While it is rare, we must be proactive and prepared so that even one infant's life can be saved.

- I am so pleased to sign this bill today to protect Alaska's children. HB 29 — Alaska's Safe Haven for Infants Act — will save the lives of newborns as it allows a parent to remain anonymous and provides legal protection to the parent who surrenders an infant to the appropriate person.

- We are committed to preserving life and this bill will protect an infant when its parents cannot handle the responsibility, and act inappropriately out of fear of prosecution or exposure.

- I thank the bill's sponsor, Rep. Gabrielle LeDoux of Kodiak, for her hard work and persistence in bringing this bill forward. I'd like to also thank all of the legislators and Department of Health and Social Services staff who have worked on this important and compassionate bill.
- I'm pleased to introduce Health and Social Services Commissioner Karleen Jackson who will further address this bill.

(sign bill while Commissioner Jackson is speaking)

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 7:43 AM
To: Rehfeld; Karen J (GOV); Von Scheben; Leo (DOT)
Cc: Tibbles; Michael A (GOV)
Subject: Re: Valley highways

But not Palmer-Wasilla Hwy?

Leo- what are funding plans there - as I'm being asked everywhere I go in the Valley, including both Mayors seeking answers as I met with them this weekend.

------Original Message------

From: Karen Rehfeld

To: Governor Sarah Palin

To: Leo Von Scheben

Cc: Mike Tibbles

Sent: Feb 11, 2008 7:39 AM

Subject: RE: Valley highways

Governor - we have $11.5 million GF for Glenn Highway Repairs; $15 million GF for Trunk Road - Phase I; and $10 million fed for Trunk Road in Mat-Su -For projects in the borough, including the Palmer State Office Building, water/sewer, etc... there is another $21.5 million GF - total Mat-Su areawide is $65.3 million - Karen

****

Karen J. Rehfeld, Director

Office of Management & Budget

465-3568

karen.rehfeld@alaska.gov

-----Original Message-----

From: gov.sarah@yahoo.com [mailto:gov.sarah@yahoo.com]

Sent: Sunday, February 10, 2008 9:23 AM

To: Rehfeld, Karen J (GOV); Von Scheben, Leo (DOT)

Subject: Valley highways

Leo- let's make sure adequate funding for continued progress on Palmer-Wasilla Hwy is in this ye's budgets- any amendments have to be in by Tuesday. The road, as you know, is deadly and so overcrowded.
Sent from my BlackBerry(r) device from Cellular One

Sent from my BlackBerry® device from Cellular One

Unknown

From: gov.sarah@yahoo.com
Sent: Monday, February 11, 2008 7:28 AM
To: Perry; Kristina Y (GOV)
Subject: Re: Board action January 26, 2008

Let's do the 39. If Dick and others need to hear that from me, I'm happy to let them know that's where we'ree going. Thanks!

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Perry, Kristina Y (GOV)" <kris.perry@alaska.gov>

Date: Mon, 11 Feb 2008 07:25:21

To:gov.sarah@yahoo.com

Subject: RE: Board action January 26, 2008

That pretty much sums it up. $39k final pmt. I sent numerous emails last night on this and suggested that Balash and I speak on it this morning. Also I told Dick that I want to speak with him. I plan to call Tom as well.

Privileged or Personal Material Redacted

Privile[d] We have our scheduled conf call at 1pm today so will work hard for a reasonable conclusion.

From: gov.sarah@yahoo.com [mailto:gov.sarah@yahoo.com]

Sent: Mon 2/11/2008 7:10 AM

To: Perry, Kristina Y (GOV)

Subject: Re: Board action January 26, 2008

I must be missing something. Privileged or Personal Material Redacted

Privileged or Personal Material Redacted

Sent from my BlackBerry® device from Cellular One

-----Original Message-----

From: "Perry, Kristina Y (GOV)" <kris.perry@alaska.gov>

Date: Sun, 10 Feb 2008 18:53:18

To:gov.sarah@yahoo.com

Subject: FW: Board action January 26, 2008

I spoke w/Kristan at length. I apologize, but didn't realize that the total was $39k as final payment to producers to cover pick-ups that were missed by N. Lights, etc. It was intitially reported as $39k to each and so I had the rough amount of $200k stuck in my head (that I mentioned below). Just wanted to clarify.

I've sent a few emails to Mike and Joe keeping them in the loop. Which was a good thing since Joe knew nothing about the meeting, although he has been copied on the emails.

Kris

From: Perry, Kristina Y (GOV)

Sent: Sun 2/10/2008 1:12 PM

To: gov.sarah@yahoo.com

Subject: RE: Board action January 26, 2008

I'm going to call Kristan right now and talk with her. We have a conference call to go over a laundry list of issues tomorrow - Kristan will be on that call - and this certainly will be a point of discussion.

I am not forwarding Kristan's email to you and I (I was not prepared for either of these that she sent) to anyone else, but I do intend to forward the email she sent Tina Otto to Tibbles and Balash so that they are in the loop. Actually it has been odd and one of the reasons I requested Monday's conference call is that we've not heard much from the CC Board - except updates to specific items of interest - since Dick put a stop to their motion to distribute $200k to the farmers. Well here's their response.

I told Mike I would provide him and Balash an update after tomorrow's conference call.

Kris

From: Kristan Cole [mailto:kccole@mtaonline.net <mailto:kccole@mtaonline.net>]

Sent: Sun 2/10/2008 12:25 PM

To: ExternalEmailgsp; Perry, Kristina Y (GOV)

Subject: Board action January 26, 2008

Governor, I have not copied anyone on this email except Kris. I have walked a tight rope for a month now regarding this issue. I was torn between loyalty to you and the administration, and doing what was right. I was hoping that as we clarified our decision that we were not using any of the funds appropriated by the legislature that we would be allowed to move forward. That hasn't happened.

Tom Irwin asked me this summer if you had to choose between loyalty and doing what was right what would you do? I said I would do what was right. Today I believe I am being both loyal to you and doing what is right.

I had a heavy heart at church this morning over this entire issue. I believe I would be disloyal if I did not share with you my heart and if I perish, I perish. See my email below that I sent today. Kristan

----

From: Kristan Cole [mailto:kccole@mtaonline.net <mailto:kccole@mtaonline.net>]

Sent: Sunday, February 10, 2008 12:24 PM

To: 'Tina'

Cc: 'Irwin, Tom E (DNR)'; 'pglaw@alaska.net'; 'Perry, Kristina Y (GOV)'; 'joe_austerman@dced.state.ak.us'; Ben Vanderweele; John Schirack; Kristan Cole; Ralph Carney; Ray DePriest

Subject: Board action January 26, 2008

Tina, I believe it is my responsibility as the Chairman of the Creamery Corporation to email you regarding the board action taken January 26, 2008. The board believes it is in the best interest of the corporation, the shareholder, and the state of Alaska to carry out the motion that was approved by the board and approved by corporate legal counsel on January 26th. This is not a decision this board took lightly, but considered with clarity, with all of the facts before us, and with the review and approval of our corporate counsel.

We respectfully request something in writing from you explaining to us why the board, whom the shareholder appointed and put in place, cannot be allowed to carry out the business decision(s) we believe are truly right and in the best interest of the corporation and the shareholder. The board feels strongly that if they are no allowed to make business decisions as the bylaws provide for, then there is no further need for this board.

Respectfully submitted,

Kristan Cole, Chair

Creamery Corporation

febvre, Richard A (DNR) [mailto:richard.lefebvre@alaska.gov <mailto:richard.lefebvre@alaska.gov>]

Sent: Friday, February 08, 2008 2:38 PM

To: Kristan Cole; Perry, Kristina Y (GOV); tina.otto@alaska.gov; tom.irwin@alaska.gov; Simons, Leta L (DNR); joe.balash@alaska.gov; Austerman, Joseph M (CED)

Subject: checks from mining companies-Dairy Farmers

The three checks from the mining folks were received by the Stockgrower folks. Don't know if the money has been further distributed.

Unknown

From: Frye, Ivy J (DOA) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=IJFRYE]
Sent: Monday, February 11, 2008 6:34 AM
To: 'gov.sarah@yahoo.com'
Subject: Happy Birthday!

Hope you have a terrific day.

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]

Sent: Monday, February 11, 2008 11:14 AM

To: Sarah Palin

Subject: Email - Thank you

Governor Sarah,

Hello! Just a quick note from all of us at ChangePoint. Your sincere delivery of such an inspirational (and fun) message was received with roaring cheers from a packed house at our RefresHer event on Friday. Gwen Adams, our main speaker for the event, and many others, asked that I let you know we appreciate very much that you took the time to encourage and spur on our ladies.

We routinely pray for you, and we thank God for giving you to us as our Governor. You're a blessing!

Kelly

Kelly Clifton
Scheduler
Office of Lieutenant Governor Sean Parnell

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]

Sent: Monday, February 11, 2008 1:28 PM

To: Sarah Palin

Subject: Email that you asked be forwarded

Governor - you asked that this email be forwarded to you. If you'd like I can ask that they list the issues so that you are not giving them direct access to your account. Thanks, Janice

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]
Sent: Sunday, February 10, 2008 7:09 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Labor

Web mail from: Mr. Victor Knott
address: 14114 Rocky Road Anchorage AK 99516
(907) 349-7228

MESSAGE:
Hello! My name is Victor Knott , a personel friend of the Governor's . I had met with her breifly on Saturday at the start of the Tesoro Iron Dog race. What a cold and buisy day for all. She had asked that I drop an e mail and have it forewarded to her. This is in regards to Privileged or Personal Material Redacted
Would you please foreward this to her , so I may have the opertunity to discuss these issues with her.
Thank You
28 year state employee and a Palin suporter.
Victor Knott
phone # 349-7228 or cell # 529-5996

vandh@gci.net

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]

Sent: Monday, February 11, 2008 1:41 PM

To: govpalin@alaska.gov

Subject: Email for Track

-----Original Message-----
From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]
Sent: Friday, February 08, 2008 5:29 PM
To: Governor Sarah Palin (GOV sponsored)
Subject: Other

Web mail from: Mr. Robb Myers
address: 600 D St Fairbanks AK 99701

MESSAGE:
Gov. Palin,

So it showed up in the news here that Track is stationed at Wainwright. I thought that he might need a church. If he is interested, I suggest Door of Hope, where I go. It is similar to Juneau Christian Center, has large young adult and military populations, and offers Saturday night services if he wants to avoid early mornings.

Robb

robbmyers@hotmail.com

Unknown

From: Ruaro, Randall P (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RPRUARO]

Sent: Monday, February 11, 2008 8:58 AM

To: 'gov.sarah@yahoo.com'

Cc: Rehfeld; Karen J (GOV); Tibbles; Michael A (GOV)

Subject: Message from Commissioner Von Scheben

Governor:

Commissioner Von Scheben called and asked me to let you know he is working on getting you the information about funding and roads in the Mat-Su. I believe he will be sending it to Karen Rehfeld and the Chief-of-Staff as well.

Randy

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]

Sent: Monday, February 11, 2008 10:34 AM

To: Sarah Palin

Subject: FW: Happy Birthday

FYI

From: Governor Sarah Palin (GOV sponsored)
Sent: Monday, February 11, 2008 10:26 AM
To: Mason, Janice L (GOV)
Subject: FW: Happy Birthday

From: Davis, Susan M (GOV)
Sent: Monday, February 11, 2008 10:23 AM
To: Palin, Sarah H (GOV)
Subject: Happy Birthday

Dear Governor Palin,

Happy Birthday !

Best regards,
Susie

Susan Davis
Kenai Peninsula Office of the Governor
907-283-2918

Unknown

From: Crome, Cora J (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CJCROME]

Sent: Monday, February 11, 2008 5:06 PM

To: 'gov.sarah@yahoo.com'

Subject: FW: Cook Inlet BOF mtg -- thus far

Governor,
The Upper Cook Inlet Board of Fish meeting is going fairly well so far, with only slight adjustments being made. The biggest issues are yet to come, and should be addressed tomorrow and the next day. See the e-mail below from Denby giving details so far. The Mat-Su folks should be happy about declaring Susitna River sockeye salmon a stock of concern. The eastside setnetters should be happy about extending the fishery until August 15th, which will give them additional opportunity when runs are late. I will provide a more complete summary for you when the meeting is over.
Cora

From: Lloyd, Denby S (DFG)
Sent: Monday, February 11, 2008 4:01 PM
To: Crome, Cora J (GOV)
Cc: Nizich, Michael A (GOV)
Subject: Cook Inlet BOF mtg -- thus far

Cora:

We are in the meeting right now, and it will continue at least into or through tomorrow. Highlights thus far include:

1. Prohibition of personal use fishing for sockeye in the lower Kenai River (which occurs in July) from boats powered by 2-stroke engines (other than direct fuel injection engines); this parallels action recently approved by the Governor and DNR for the middle Kenai River.

2. Susitna River sockeye salmon have been declared a stock of yield concern, in answer to requests and proposals from the Mat-Su region.

3. Extension of the Upper Cook Inlet eastside set gill net fishery from a previous closure date of August 10 to a new closure date of August 15, with only two regular (12-hour) open periods allowed during the Aug 11-15 time period.

4. Liberalized sport fishing retention for early Kenai River Chinook salmon (for fish 20-28 inches only).

We have not gotten to the meat of the central Cook Inlet drift gill net fishery, nor to the escapement goal vs. closed windows dilemma for the eastside set netters.

Let me know if you need more, DL.

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
907-465-4719

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Monday, February 11, 2008 1:27 PM
To: Governor Sarah Palin (GOV sponsored); Leighow; Sharon W (GOV)
Cc: Savland; Monica L (GOV); Crome; Cora J (GOV)
Subject: RE: Fish_and_Game

Sharon/Cora - Will you be taking care of this one directly? Thanks, Janice

-----Original Message-----

From: Governor Sarah Palin (GOV sponsored)

Sent: Monday, February 11, 2008 10:01 AM

To: Leighow, Sharon W (GOV)

Cc: Mason, Janice L (GOV); Savland, Monica L (GOV)

Subject: FW: Fish_and_Game

-----Original Message-----

From: WebMail@gov.state.ak.us [mailto:WebMail@gov.state.ak.us]

Sent: Sunday, February 10, 2008 10:35 AM

To: Governor Sarah Palin (GOV sponsored)

Subject: Fish_and_Game

Web mail from: Mr. Charlie Ess

address: North Pacific Bureau Chief National Fisherman magazine AK 99674

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Monday, February 11, 2008 10:32 AM
To: Palin, Sarah (GOV sponsored); Fagerstrom; Erika (GOV)
Subject: RE: Computer

Governor - I had emailed Erika on this request this weekend. Erika was hoping that they would be able to do this today. Janice

-----Original Message-----

From: Palin, Sarah (GOV sponsored)

Sent: Monday, February 11, 2008 10:23 AM

To: Fagerstrom, Erika (GOV)

Cc: Mason, Janice L (GOV)

Subject: Computer

Would you have a computer installed in Todd's office at the house? Don't know if the murkowski's got work done with only one computer between their two offices, but we're busy enough where both offices need their own computers so we're not trying to share one desk top. Thanks

Unknown

From: Fagerstrom, Erika (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EFAGERSTROM]

Sent: Monday, February 11, 2008 10:45 AM

To: Palin; Sarah (GOV sponsored)

Cc: Mason; Janice L (GOV)

Subject: RE: Computer

There's a computer in Todd's office, so when Janice requested another- I assumed that you wanted one in the office/room by the kitchenette.
There's currently a request for one to be installed in your old office. Do you want one in what *used to be your office* or the 2nd floor Family room?

Thanks,
Erika

Erika Fagerstrom
Executive Residence Manager
Governor's House
State of Alaska, Office of the Governor
716 Calhoun Avenue, Juneau, Alaska 99801
Phone: 907-465-3500; Fax: 907-465-2031

-----Original Message-----
From: Palin, Sarah (GOV sponsored)
Sent: Monday, February 11, 2008 10:23 AM
To: Fagerstrom, Erika (GOV)
Cc: Mason, Janice L (GOV)
Subject: Computer

Would you have a computer installed in Todd's office at the house? Don't know if the murkowski's got work done with only one computer between their two offices, but we're busy enough where both offices need their own computers so we're not trying to share one desk top. Thanks

Unknown

From: PARNELL, S (GOV sponsored) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SRPARNELL1]

Sent: Monday, February 11, 2008 9:26 PM

To: Sarah Palin

Cc: Tibbles; Michael A (GOV)

Subject: Traction at Criminal Justice Working Group

The Criminal Justice Working Group (CJWG) met for most of the day today and is a group that I co-chair with Chief Justice Dana Fabe. Commissioners Moneghan, Schmidt, and Jackson all participate and Talis sends his designee. Justice Carpeneti typically leads the Court System side of things. And, APD Chief Rob Heun is active as is Randy Ruaro of your office and Jay Pullins of mine. We have about 10 more agency people that show up, as well.

CJWG has met a number of times and we have two working subcommittees; one to address **recidivism issues** chaired by Joe Schmidt and one addressing **efficiency issues** across the criminal justice system, chaired by Stephanie Cole/Christine Johnson of the Court System.

I asked each of the subcommittees to define a goal to achieve and then strategies to achieve it. The recidivism committee is focused on **reducing the number of arrests per capita** (will get to a hard number) and will likely focus on strategies at the younger aged end of the spectrum (juveniles to 24) since that's where our repeat offenders tend to be.

The efficiency subcommittee is focused on improving efficiency **and** effectiveness measures from the time of arrest by law enforcement, through the pre-trial phase, trial phase, sentencing phase, and incarceration to re-entry. We're **likely to move toward fixing the discovery process in the pretrial phase** and using "time to disposition data" to measure results.

It just feels like we're getting some traction. I'm proud of your commissioners and staff. This is a good group that not only looks at the big policy issues but they also address the day to day "burning issues" and resolve them cooperatively. For example, Law brought an issue to the table two months ago where they complained the Kenai judges were making them draft judgments and orders rather than the court doing it. The chief justice got that changed. Today, a similar issue arose with Law complaining about the court system requiring them to write orders in certain juvenile proceedings, Justice Carpeneti said he would take care of that as well. Just wanted you to know you've got a working, functioning criminal justice group out there.

Unknown

From: Myrna Brown [mbrown@ccthita.org]

Sent: Monday, February 11, 2008 9:26 AM

To: Myrna Brown; Andrew Ebona; Lindoff; Angel A (DOR); A Duncan Munro; amalia.monreal@searhc.org; Miss Annette Marie Osborne; angel.culp@goldbelt.com; Alfred McKinley; Sr.; andrea doll; Andrea Cadiente-Laiti; Beverly J. Vonda; Donnelly; Bernice M (EED); Buck; Hannah K (GOV); bobloescher@gci.net; Clifton; Kelly L (GOV); connie munro; Doloresa Cadiente; danthea; Brown; Darrell (HAL); Ella Bennett; Ethel Lund; Corpuz; Elena (DOA); Susettna; Gomez; Shelly (HSS); gary.droubay@goldbelt.com; Ishmael Hope; jfjll; Mason; Janice L (GOV); Jerry Ann; Judy Mason; Jerry Bennett; Bennett; Janice A (DFG); Joann Patterson; Catherine V. Thomas; kate.kokotovich@sealaska.com; Kathy Miller; Squires-White; Lynn (DOA); SueAnn Williams; Lavonne Garvey; lkadinger@thrha.org; Nashoanak; Martha L (DOA); Maureen Brown; Mike Early; marietta.hopkins@sealaska.com; Michele Metz; memartin@gci.net; Marie Olsen; Miller; Mary E (DOL); Marvin; Sharon A (HSS); Molly Yerkes; Barnes; Nancy C (LAA); Norman Sarabia; norman.flood@goldbelt.com; nicole.hallingstad@sealaska.com; Korting; Nancy A (LAW); peter@kootznoowoo.com; Percy Martin; pexendine@gci.net; Ruaro; Randall P (GOV); Ron Williams; Renee Culp; Rhonda Hickok; Selina Everson; Palin; Sarah H (GOV); Thea Brown; Theresa Tanoury; St.Clair; Vonda M (DOR); Vicki Soboleff; Victoria Johnson; Diane Carrier; Lyle James; zuboffsj@gci.net; Andrew Ebona; anbjnu4@ak.net

Subject: Two upcoming functions....please let others know

Open to the public. The next two Native Issues information.

Alaska Native Brotherhood Camp 2 and Central Council of Tlingit and Haida Indian Tribes of Alaska proudly announce the next Native Issues Forum that will bring together **national and state level authorities** that will sit on a mini-panel from the **Alaska Native Tribal Health Consortium board**. The forum is open to the public and is scheduled for **February 13th; Wednesday** at 11:45 AM at the ANB Hall located at 320 West Willoughby Avenue. A delicious lunch style buffet is available at a reasonable cost or you are welcome to bring your own lunch. ***Menu entrée items: sweet 'n sour chicken, mongolian beef, fried rice/steamed rice, stir fry vegetables, fry bread w/butter, cake w/strawberry filling. Sisterhood stew, salads: crab salad, sockeye macaroni salad, herring egg salad and fruit salad.***

And, please calendar **February 18th; Monday**. We are proud to announce that on **February 18th Senator Ted Stevens** will be our featured speaker from the **United States Senate**. The forum will begin approximately at 11:45 AM and conclude at 1:00 PM. ***Menu entrée items: grilled salmon, roast beef/gravy, mashed potatoes, steamed rice, buttered corn, fry bread w/butter, mixed berries w/bananas. Sockeye chowder, salads: shrimp salad, cesar's salad, jell-o salad and fruit salad.*** Although this is a holiday we are accommodating Senator Stevens schedule and hope you can make plans on attending.

Thank you.

Unknown

From: Fagerstrom, Erika (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EFAGERSTROM]

Sent: Monday, February 11, 2008 9:01 AM

To: gov.sarah@yahoo.com

Subject: Steaks Dinner

Governor,
The steaks are in the freezer wrapped in white butcher paper. Would you like to have a few grilled for tonight?
Diane thought of making sugar-free jello in the shape of hearts for Piper's class- we'll plan on that unless we hear otherwise.
Thanks,
Erika

Erika Fagerstrom
Executive Residence Manager
Governor's House
State of Alaska, Office of the Governor
716 Calhoun Avenue, Juneau, Alaska 99801
Phone: 907-465-3500; Fax: 907-465-2031

Unknown

From: Ruaro, Randall P (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RPRUARO]

Sent: Monday, February 11, 2008 8:58 AM

To: 'gov.sarah@yahoo.com'

Cc: Rehfeld; Karen J (GOV); Tibbles; Michael A (GOV)

Subject: Message from Commissioner Von Scheben

Governor:

Commissioner Von Scheben called and asked me to let you know he is working on getting you the information about funding and roads in the Mat-Su. I believe he will be sending it to Karen Rehfeld and the Chief-of-Staff as well.

Randy

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]
Sent: Monday, February 11, 2008 10:33 AM
To: Sarah Palin
Subject: RE: Re: Commissioner Lloyd request - Sat., 02.08.08

Yes - I did receive this one.

From: Sarah Palin [mailto:gov.sarah@yahoo.com]

Sent: Monday, February 11, 2008 10:11 AM

To: Mason, Janice L (GOV)

Subject: Fwd: Re: Commissioner Lloyd request - Sat., 02.08.08

did u get this one?

Note: forwarded message attached.

Unknown

From: PARNELL, S (GOV sponsored) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SRPARNELL1]

Sent: Monday, February 11, 2008 7:02 AM

To: Sarah Palin

Subject: HAPPY BIRTHDAY!

Hope you have a good birthday today! You've almost caught up with my aged state...:)

Byers, Gail Y (LAW)

From: Jenni Zielinski [swpilots@ak.net]
Sent: Monday, February 11, 2008 12:25 PM
To: Palin; Sarah H (GOV)
Cc: Notti; Emil R (CED); Smith; Lynne M (GOV); Austerman; Joseph M (CED)
Subject: Copy of letter attached

<<...>>

Southwest Alaska Pilots Association

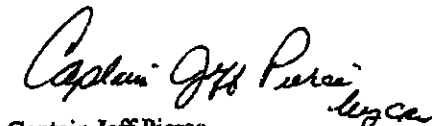
swpilots@ak.net

907.235.8483 Extn:3

SOUTHWEST ALASKA PILOTS ASSOCIATION

P.O. Box 977
Homer, Alaska 99603

Tel: (907) 235-8783
Fax: (907) 235-6119

February 11, 2008

Honorable Governor Sarah Palin
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Palin,

We believe protecting all waters adjacent to the Arctic Ocean is of paramount importance. In this effort we are working together with the members of Alaska Marine Pilots as we fully support their position in this matter.

We request your support in protecting our northern waters by endorsing the proposed regulation that would extend the compulsory pilot requirement to include the Arctic.

Respectfully Yours;

Captain Jeff Pierce

Captain Jeff Pierce
President
Southwest Alaska Pilots Association

cc: Emil Notti, Commissioner of Commerce
Lynne Smith, Special Assistant to the Governor
Joe Austerman, Chairman, Board of Marine Pilots
Captain Mark DeVries, USCG
Mark Ashburn, Ashburn @ Mason Law Offices

Byers, Gail Y (LAW)

From: Colberg, Talis J (LAW) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TJCOLBERG]
Sent: Monday, February 11, 2008 8:42 AM
To: 'gov.sarah@yahoo.com'
Subject: FW: D.C. v. Heller, No. 07-290---Brief of Texas and 30 other States in Support of Respondent

Dear Governor Palin,

Attached is a copy of the amicus brief filed by Texas today. In the attachment you can see that in addition to Alaska twenty-nine other states joined Texas. Talis

-----Original Message-----

From: Sean Jordan [mailto:Sean.Jordan@oag.state.tx.us]

Sent: Monday, February 11, 2008 8:03 AM

To: brian.kane@ag.idaho.gov; Tad.Thomas@ag.ky.gov; BMizer@ag.state.oh.us; AGESMITH@ag.state.sc.us; James.Layton@ago.mo.gov; kirk.brown@ago.ne.gov; JAFarshee@ago.state.al.us; CMARI@ago.state.ms.us; Grace, Joanne M (LAW); David.Raupp@arkansasag.gov; Tom.Fisher@atg.in.gov; SaraH@ATG.WA.GOV; John G. Knorr; Pam.Murphy@doj.nh.gov; MAAGJ@ksag.org; drobinson@law.ga.gov; Thomas Casey; ctweeten@mt.gov; Scott.Makar@myfloridalegal.com; RRUSSELL@nmag.gov; Lori.Sheltman@oag.ok.gov; WThro@oag.state.va.us; daniel.domenico@state.co.us; John.Garry@state.mn.us; dbahr@state.nd.us; Darlene.Hallem@state.sd.us; CCARLS@state.wy.us; AnninaMitchell@utah.gov; Jeanne.Young@wvago.gov

Cc: Ted Cruz

Subject: D.C. v. Heller, No. 07-290---Brief of Texas and 30 other States in Support of Respondent

Attached is an e-copy of the State of Texas and 30 other States' Brief in Support of Respondent, which is being filed in the Supreme Court today in District of Columbia v. Heller, Cause No. 07-290. A hard copy of the brief will be sent to you shortly.

We are very glad to have such a strong coalition of States joining this brief. You have our thanks for your timely consideration of the brief,

and our appreciation for joining in this important effort.

Sean D. Jordan

Deputy Solicitor General

Office of the Attorney General of Texas

P.O. Box 12548

Austin, Texas

78711-2548

phone (512) 936-1823

fax (512) 474-2697

sean.jordan@oag.state.tx.us

No. 07-290

In the Supreme Court of the United States

DISTRICT OF COLUMBIA AND ADRIAN M. FENTY, MAYOR OF THE DISTRICT OF COLUMBIA,
Petitioners,

v.

DICK ANTHONY HELLER,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

BRIEF OF THE STATES OF TEXAS, ALABAMA, ALASKA, ARKANSAS, COLORADO, FLORIDA, GEORGIA, IDAHO, INDIANA, KANSAS, KENTUCKY, LOUISIANA, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEW HAMPSHIRE, NEW MEXICO, NORTH DAKOTA, OHIO, OKLAHOMA, PENNSYLVANIA, SOUTH CAROLINA, SOUTH DAKOTA, UTAH, VIRGINIA, WASHINGTON, WEST VIRGINIA, AND WYOMING AS *AMICI CURIAE* IN SUPPORT OF RESPONDENT

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for Civil Litigation

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Austin, Texas 78711-2548
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Counsel of Record

SEAN D. JORDAN
Deputy Solicitor General

MICHAEL P. MURPHY
Assistant Solicitor General

[Additional counsel listed on inside cover]

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Stephen N. Six
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Jack Conway
Attorney General of Kentucky

James D. "Buddy" Caldwell
Attorney General
State of Louisiana

Michael A. Cox
Michigan Attorney General

Lori Swanson
Attorney General of Minnesota

Jim Hood
Mississippi Attorney General

Jeremiah W. (Jay) Nixon
Attorney General of Missouri

Mike McGrath
Attorney General of Montana

Jon Bruning
Attorney General for the State of Nebraska

Kelly A. Ayotte
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Gary K. King
New Mexico Attorney General

Wayne Stenehjem
Attorney General of North Dakota

Marc Dann
Attorney General
State of Ohio

W.A. Drew Edmondson
Attorney General of Oklahoma

Thomas W. Corbett, Jr.
Attorney General of Pennsylvania

Henry McMaster
South Carolina Attorney General

Lawrence E. Long
Attorney General
State of South Dakota

Mark L. Shurtleff
Utah Attorney General

Robert F. McDonnell
Attorney General of Virginia

Robert M. McKenna
Attorney General of Washington

Darrell V. McGraw, Jr.
West Virginia Attorney General

Bruce A. Salzburg
Wyoming Attorney General

QUESTION PRESENTED

Whether the following provisions—D.C. Code §§7-2502.02(a)(4), 22-4504(a), and 7-2507.02—violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes.

TABLE OF CONTENTS

INDEX OF AUTHORITIES

Cases

Statutes, Rules, and Constitutional Provisions

Other Authorities

PRA_GSP01_0011855

INTEREST OF *AMICI CURIAE*

Amici, the State of Texas and 30 other States, have an interest in this case because of its potential impact on their citizens' constitutional rights. The individual right to keep and bear arms is protected by the United States Constitution and the constitutions of forty-four States.[1] Given the significance of this fundamental right, the States have a substantial interest in ensuring that the Second Amendment is accorded its proper scope.

The *amici* States believe that the court of appeals's decision—that the Second Amendment protects an individual right to keep and bear arms—is correct and fully consistent with the Framers' intent. Moreover, the District of Columbia's categorical gun ban is markedly out of step with the judgment of the legislatures of the fifty States, all of which protect the right of private citizens to own handguns.

1. *Amici* States have attached an Appendix outlining the relevant state constitutional and statutory provisions concerning firearms.

SUMMARY OF THE ARGUMENT

Described by Justice Joseph Story as "the palladium of the liberties of the republic," the right to keep and bear arms enjoys prominent placement at the outset of the Bill of Rights. Yet the central issue in this case is whether that constitutional provision retains any vitality whatsoever.

The District of Columbia's position, as the court of appeals explained, is that "the Second Amendment is a dead letter." Pet. App. 13a. That ahistorical contention—supported by modern-day advocates who disagree with the policy judgments embodied in that Amendment—runs contrary to both the text and the original understanding of our Constitution.

Because the Second Amendment's text recognizes a "right," not a "power," and guarantees that right to "the people" and not "the States," it necessarily secures an individual right to keep and bear arms. The First, Fourth, and Ninth Amendments likewise protect the "rights" of "the people," and none dispute that those Amendments protect individual rights. The Tenth Amendment, in turn, expressly distinguishes between "the States" and "the people," demonstrating that the Framers knew well the difference. And, this Court has made clear, "the people" is a term of art, with the same meaning throughout the Bill of Rights.

The District's contrary position is based largely upon a misconstruction of the Amendment's prefatory clause. Although the preamble states that keeping a well-regulated militia is one purpose of the right, nothing in that statement contradicts the Amendment's operative

language. The District's interpretation of that prefatory language as limiting the Amendment only to members of organized state militias runs contrary to the understanding—and statutory definition—at the time of the Founding that all able-bodied males armed with their own private weapons comprised the "Militia."

The court of appeals's ruling is also consistent with this Court's decision in *United States* v. *Miller*, 307 U.S. 174 (1939). That brief and famously opaque opinion can be read to support multiple interpretations, but the better reading is that the right to keep and bear arms is an individual right. Indeed, *Miller* makes sense only if the Court believed that the Second Amendment protects individual rights; otherwise, virtually all of the *Miller* Court's analysis would be rendered superfluous.

That view is further buttressed by an unbroken line of commentary from the Framers to nineteenth-century scholars to the bulk of modern scholarship. Indeed, the unmistakable trend among constitutional scholars—even those who might otherwise disfavor private firearms possession—is toward recognition that the Second Amendment protects an individual right, as its plain text suggests.

Reasonable minds can differ about the Second Amendment's scope—that is, about which government regulations are permissible. And subsequent cases may well present difficult questions about where precisely to draw that line. Those vexing issues are not presented in this case, however, and are appropriately left to another day.

This case instead presents two straightforward questions, each of which will determine whether the Second Amendment has any modern relevance. *First*, as a threshold matter, does the Amendment protect any individual rights at all. And *second*, do the challenged District ordinances—which collectively prohibit the possession of any functioning firearm in one's own home—run afoul of that right.

On more difficult questions involving the Amendment's application—such as registration requirements and comprehensive regulation—the many *amici* States may well part ways. But the two questions in this case are, in the eyes of *amici*, not difficult. If the answer to either question were in the negative, then the Second Amendment's protections would be rendered illusory.

For the same reason, the *amici* States believe that the Department of Justice's position that this case should be vacated and remanded is indefensible. Under any standard, including that advocated by the Department, a total prohibition on the possession of any functioning firearm cannot be sustained. The District's ordinances facially prohibit Mr. Heller from ever possessing a handgun in his own home or from possessing an operable long gun.

An individual right that can be altogether abrogated is no right at all. *Amici* States are sovereign governmental bodies with strong interests in maintaining extant regulations barring, for example, convicted felons from possessing firearms. But none of the 31 *amici* States believes that its citizens' constitutional rights should be effectively erased from the Bill of Rights. Because, under any standard, a total prohibition on the possession of

firearms cannot be reconciled with the individual right to keep and bear arms, the court of appeals's judgment should be affirmed.

ARGUMENT

I. THE COURT OF APPEALS CORRECTLY HELD THAT THE SECOND AMENDMENT GUARANTEES AN INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS.

The court of appeals's holding that the Second Amendment protects an individual right to keep and bear arms, Pet. App. 44a, gives effect to the Amendment's plain text and reflects the structure of the Bill of Rights. It is consistent with the views of the Framers, the great weight of scholarly commentary, and this Court's precedent.

A. The Second Amendment's Text Guarantees an Individual Right to Keep and Bear Arms.

The Second Amendment provides, "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II. The Court has long emphasized the importance of the Constitution's specific text: "[T]he enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they said." *Pollock* v. *Farmers' Loan & Trust Co.*, 158 U.S. 601, 618-19 (1895) (internal quotation omitted).

1. The "right of the people" is an individual right.

The Second Amendment's operative words protect the right of "the people," not the "militia" and not the "States," to keep and bear arms. The meaning to be given to the words "the people" as used in the Second Amendment phrase "the right of the people" should be the same meaning attributed to that same phrase in the contemporaneously submitted and ratified First and Fourth Amendments. Pet. App. 18a; *United States* v. *Emerson*, 270 F.3d 203, 227 (5th Cir. 2001). And all three amendments describe personal, individual rights.

In *United States* v. *Verdugo-Urquidez*, the Court concluded that the words "the people" bear special significance in the context of the Bill of Rights:

> "'*[T]he people' seems to have been a term of art* employed in select parts of the Constitution. . . . *The Second Amendment* protects 'the right of the people to keep and bear Arms,' and the Ninth and Tenth Amendments provide that certain rights and powers are retained by and reserved to 'the people.' See also U.S. Const. Amdt. 1 . . . ; Art. I, § 2, cl. 1 . . . . While this textual exegesis is by no means conclusive, it suggests that *'the people' protected by the Fourth Amendment, and by the First and Second Amendments,* and to whom rights and powers are reserved in the *Ninth and Tenth Amendments,* refers to a class of persons who are part of a national

> community or who have otherwise developed sufficient connection with this country to be considered part of that community." 494 U.S. 259, 265 (1990) (emphasis added).

The Court has thus made clear that the "term of art" "the people" has the same meaning in the First, Second, Fourth, Ninth, and Tenth Amendments. And it is beyond peradventure that the right of "the people" in the First and Fourth Amendments is an individual, personal right rather than a "collective" right or a right protected only in connection with service to the government. *See, e.g., Thornhill* v. *Alabama*, 310 U.S. 88, 95 (1940) ("The freedom of speech . . . which [is] secured by the First Amendment against abridgment by the United States, [is] among the fundamental personal rights and liberties which are secured to all persons by the Fourteenth Amendment against abridgment by a state."); *Minnesota* v. *Carter*, 525 U.S. 83, 88 (1998) (holding that the Fourth Amendment is a personal right that must be invoked by an individual).

The District's assertion that the Second Amendment's right of "the people" merely ensures a collective right "to prevent Congress, using its powers under the Militia Clauses, from disarming state militias," Petitioners' Br. 35, is fundamentally inconsistent with the rest of the Bill of Rights. If the phrase "the people" is interpreted consistently—as the Court has instructed—the District's construction of the phrase results in an implausible framework for our constitutional rights. For example, the First Amendment preserves "the right of the people peaceably to assemble." U.S. CONST. amend. I. The District's construction implies that no individual could sue in court for an abridgment of his or her right to

assemble because that right is reserved only to "the people" acting collectively. Likewise, the Fourth Amendment preserves "the right of the people" to be secure from unreasonable searches and seizures. U.S. CONST. amend. IV. The District's construction implies that no individual has a right enforceable in court to be free from unreasonable search and seizure, because only "the people" as a collective may enforce such rights. That, of course, is not the law.

Alternatively, if the District's "collective" construction of "the people" is somehow to be cabined only to the Second Amendment, the Court must conclude that when Congress sent the Bill of Rights to the States, Congress first listed four individual rights (in the First Amendment), then created a State's "right" (in the Second Amendment), and then reverted to a litany of individual rights (in Amendments Three through Eight). The Court must further conclude that, while Congress used "the people" to refer to individual rights in the First, Fourth, and Ninth Amendments, Congress used "the people" to mean "state governments" in the Second Amendment. Finally, for the Court to find that Congress used "the people" in the Second Amendment to mean "the States," it would have to somehow reconcile that with the Tenth Amendment's language, where Congress explicitly distinguished "the people" from "the States," reserving powers "to the States respectively, or to the people."

Moreover, the concept of a collective "right" or a State's "right" is contrary to the Constitution's structure and language; in the Hohfeldian taxonomy, States have powers, not rights. Rights are reserved to individuals; as Mill explained, "[t]o have a right . . . is . . . to have something which society ought to defend me in the

possession of." JOHN STUART MILL, UTILITARIANISM 80 (Longman, Green, Longman, Roberts, and Green 1864) (1861).

Put simply, the words "the right of the people" cannot fairly be read to mean a collective power of the Militia. Rather, the Second Amendment's text means what it says: the individual right of the people to keep and bear arms cannot be infringed.

2. The District misinterprets the meaning of "keep" and "bear Arms."

The District's interpretation of the Second Amendment necessarily, and mistakenly, requires that the words "bear Arms" have only a military connotation, and that the words "keep" and "bear" arms in the Second Amendment be construed together as a unitary phrase relating only to maintaining arms for military service. *See* Petitioners' Br. 12-17. This construction of the Amendment is not supported by its text or history.

The first problem with the District's interpretation of "keep and bear Arms" is that it effectively ignores the word "keep." *Id.* Indeed, the District suggests that "keep" has no independent meaning, and was inserted merely to bolster the militia's ability to bear arms. *Id.*, at 16-17. But courts cannot ignore words or phrases in the Constitution. "In expounding the Constitution of the United States, every word must have its due force, and appropriate meaning; for it is evident from the whole instrument, that no word was unnecessarily used, or needlessly added." *Richfield Oil Corp.* v. *State Bd. of Equalization*, 329 U.S. 69, 77-78 (1946) (internal quotation marks omitted). And to "keep" arms is to possess or own arms, as is

demonstrated by the contemporary dictionary definition of "keep":

> "1. To hold; to retain in one's power or possession; not to lose or part with; as, to keep a house or a farm; to keep any thing in the memory, mind or heart; 2. To have in custody for security or preservation." WEBSTER'S DICTIONARY (1828); *see also* SAMUEL JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1770).

The Court should give effect, as did the court of appeals, to each word of the Amendment. Pet. App. 27a ("'[K]eep' is a straightforward term that implies ownership or possession of a functioning weapon by an individual for private use.").

The District's assertion that "bear Arms" refers only to militia service is likewise misguided. Although this phrase may be used to describe the carrying or wearing of arms by a soldier or member of the militia, it is not used exclusively to refer to the military. Indeed, the Framers understood "bearing" arms to include the carrying of weapons generally—as may be seen directly in a bill drafted by Thomas Jefferson and proposed to the Virginia Legislature by James Madison (the author of the Second Amendment) on October 31, 1785. Madison's bill would have imposed penalties upon one who violated hunting laws if he were to "*bear* a gun out of his [the violator's] inclosed ground, unless whilst performing military duty." 2 THE PAPERS OF THOMAS JEFFERSON, 443-44 (J.P. Boyd ed.,1950) (emphasis added). In fact, as Judge Kleinfeld noted in his dissenting opinion in *Silveira*, "the primary meaning of 'bear' is 'to carry,' as when we arrive at our

host's home 'bearing gifts' and arrive at the airport 'bearing burdens.'" *Silveira* v. *Lockyer*, 328 F.3d 567, 572-73 (9th Cir. 2003) (Kleinfeld, J., dissenting) (footnote omitted).

This common-sense view of the phrase "bear Arms" is also reflected in Justice Ginsburg's dissenting opinion, joined by Chief Justice Rehnquist and Justices Scalia and Souter, in *Muscarello* v. *United States*, 524 U.S. 125, 143 (1998):

> "Surely a most familiar meaning [of carrying a firearm] is, as the Constitution's Second Amendment ('keep and *bear* Arms') (emphasis added) and Black's Law Dictionary, at 214, indicate: 'wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person.'"

Nothing in the Second Amendment's text limits the words "bear Arms" to an exclusively military connotation; instead it affords an individual right to "the people" to "wear, bear, or carry" arms, regardless of whether they are engaged in military activity connected with a state militia.

3. The Second Amendment's introductory clause does not convert an individual right into a "collective" or "quasi-collective" right.

The District's "quasi-collective right" position is driven largely by its conclusion that the Second Amendment's operative clause, conferring the right to

"keep and bear Arms," is defined and impliedly narrowed by the Amendment's introductory clause referencing a "well regulated Militia." Petitioners' Br. 12-18. But, although a preamble may inform, influence, or shape the operational clause, it cannot compel a result contrary to its meaning. *See* Eugene Volokh, *The Commonplace Second Amendment*, 73 N.Y.U. L. REV. 793, 807 (1998). And, in any event, the Second Amendment's preamble is entirely consistent with the individual right mandated by the operational clause.

To be sure, the introductory clause implies that a principal purpose of the right to bear arms is to promote the existence and effectiveness of a "well-regulated Militia." But nothing compels the conclusion that this is the Amendment's only purpose.

With respect to other rights recognized by the Constitution, the Court has already held that similar preambulatory purposes do not limit the effect of the clauses' operational language. For example, in *Eldred* v. *Ashcroft*, 537 U.S. 186 (2003), the Court addressed a similar proposed construction of the preambulatory language in the Copyright Clause, which reads "[T]he Congress shall have the power . . . [t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." U.S. CONST. art. I, §8, cl. 8. The Court concluded that Congress's power to secure exclusive rights to authors and inventors is not limited by the prefatory purpose to "promote the progress of science and useful arts." 537 U.S., at 210-211. Although promoting science and the arts may have been the Framers' chief purpose in conveying sweeping copyright powers to Congress, other purposes existed as well. *Id.*, at

212. If the Copyright Clause's preamble, ***which expressly conditions*** its operational language through use of the phrase "by securing," imposes no limitation on the Clause's scope, then neither does the Second Amendment's preamble, which is not so expressly limited. Volokh, *supra*, at 807-13.

And, even if the District were correct that the Second Amendment's prefatory clause defined the scope of the right conferred in the operational clause, the District's further conclusion—that the words "a well-regulated Militia, being necessary to the security of a free State" means the Amendment was adopted for the sole purpose of ensuring the effectiveness of state militias—is erroneous. The Amendment's text and history contradict this narrow reading of "Militia."

The Framers' understanding of "Militia" is reflected in a question asked by George Mason, one of the Virginians who refused to sign the Constitution because of its lack of a Bill of Rights: "Who are the Militia? They consist now of the whole people." 3 J. ELLIOTT, DEBATES IN THE GENERAL STATE CONVENTIONS 425 (3d ed. 1937) (statement of George Mason, June 14, 1788). This understanding, contrary to the District's position, *see* Petitioners' Br. 18, is also reflected in the language of both the Virginia and North Carolina ratifying conventions—which spoke of "a well regulated militia composed of the body of the people." RATIFICATIONS AND RESOLUTIONS OF SEVEN STATE CONVENTIONS (1788), *reprinted in* 2 DEBATE ON THE CONSTITUTION 561, 568 (Bernard Bailyn ed., 1993). James Madison articulated the same view of the term "militia" in Federalist No. 46, arguing that Congress's power under the proposed Constitution "[t]o raise and support armies" (art. I, §8, cl.

12) posed no threat to liberty because any such army, if misused, "would be opposed [by] a militia amounting to near half a million of citizens with arms in their hands." THE FEDERALIST NO. 46, at 334 (James Madison) (Benjamin Wright ed., 1961).

The District's narrow interpretation of "Militia" to include only some select body of permanent soldiers is also belied by the provisions of the Militia Act, enacted by the Second Congress the year after the Second Amendment's ratification. The Militia Act expressly defined the militia as "each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years." Militia Act, ch. XXXIII, 1 Stat. 271, 271 (1792).[2] Thus, the "Militia" contemplated by the Framers was not limited to those enrolled in some type of state or local militia organization. Under statute and contemporary understanding, the militia was all able-bodied male citizens from eighteen to forty-five, whether they were organized into a state-sponsored fighting force or not. *See Silveira*, 328 F.3d at 578-80 (Kleinfeld, J., dissenting).

The Framers were understandably wary of standing armies and the powers of a potentially oppressive government. Therefore, the individual right to bear arms ensures a ready "Militia" consisting of each and every able-bodied male between the ages of eighteen to forty-five. The introductory clause, properly understood, confirms the primary benefit of the operational clause—a

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2. Indeed, the Militia Act not only permitted gun ownership by every able-bodied man, it *required* it—obliging by law each man to "*provide himself* with a good musket or firelock . . . or with a good rifle." Militia Act, 1 Stat., at 271 (emphasis added).

citizenry capable of defending its rights by force, when all other means have failed, against any future oppression.

B. The Court's Precedent Supports the Principle That the Second Amendment Guarantees an Individual Right.

The Court's decision in *Miller* buttresses the principle that the Second Amendment's text and history establish its protection of the rights of individuals to keep and bear arms. In *Miller*, the Court considered a Second Amendment challenge as applied to a sawed-off shotgun:

> "In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense." 307 U.S., at 178.

Miller is less than a model of clarity, but a fair reading of that opinion confirms that the Second Amendment protects individual rights. If the Second Amendment protected only the right to bear arms in a militia, the Court could easily have disposed of the case merely by observing that Miller was not a member of any

state militia. Thus, with one sentence, the case could have been resolved.[3]

Instead, the Court based its ruling on the lack of judicial notice that a short-barreled shotgun, a weapon typically used by gangsters in the 1930s and associated with criminal activity, was the type of weapon that contributed to "the common defense." *Id.* The Court's decision implicitly acknowledged that the possession by individual Americans of weapons that could be part of the "ordinary military equipment" contributing to the common defense—as opposed to criminal activity—is protected by the Second Amendment.

The Court's conclusions in *Miller* also suggest an understanding that the Framers envisioned a militia composed of the entire people—possessed of their individually owned arms—as necessary for the protection of a free State. The Court expressly observed that, in the Framers' time, the militia "comprised all males physically capable of acting in concert for the common defense . . . . [O]rdinarily when called for service *these men were expected to appear bearing arms supplied by themselves* and of a kind in common use at the time." *Id.*, at 179 (emphasis added).

Later opinions of the Court also support the individual-right view, albeit in *dicta*. In *Johnson* v. *Eisentrager*, 339 U.S. 763 (1950), the Court rejected a claim that the Fifth Amendment's criminal-procedure protections applied to nonresident enemy aliens by

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3. Indeed, the United States raised the collective rights argument in its brief as its very first argument, Pet. App. 40a, and, notably, the Court declined to rule on that basis.

explaining that a contrary view would, *inter alia*, require the application of "companion civil-rights Amendments" in the Bill of Rights, including the Second Amendment. *Id.*, at 784.

In *Konigsberg* v. *State Bar of Cal.*, 366 U.S. 36 (1961), the Court, citing *Miller*, again equated the Second Amendment right with rights secured by the First Amendment. *Id.*, at 49 n.10. More recent cases have also assumed an individual right in *dicta* by listing the Second Amendment right among the personal rights composing the "liberty" that the Constitution's due-process provisions protect. *See Planned Parenthood of Se. Pa.* v. *Casey*, 505 U.S. 833, 847 (1992); *Moore* v. *City of East Cleveland*, 431 U.S. 494, 502 (1977) (plurality op.).

Likewise, in *Robertson* v. *Baldwin*, 165 U.S. 275, 281-82 (1897), the Court observed,

> "The law is perfectly well settled that the first 10 amendments to the constitution, commonly known as the 'Bill of Rights,' were not intended to lay down any novel principles of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors, and which had, from time immemorial, been subject to certain well-recognized exceptions, arising from the necessities of the case. . . . Thus, the freedom of speech and of the press (article 1) does not permit the publication of libels . . . [and] *the right of the people to keep and bear arms (article 2) is not infringed by laws prohibiting the carrying of concealed weapons* . . . ." (Emphasis added)

Repeatedly, the Court has described the Second Amendment, consistent with the analysis in *Miller*, as an individual right—like the others in the Bill of Rights and subject to similar restrictions.

C. The Weight of Scholarly Commentary Also Supports the Conclusion That the Second Amendment Guarantees an Individual Right to Keep and Bear Arms.

As Justice Thomas has written, "a growing body of scholarly commentary indicates that the 'right to keep and bear arms' is, as the Amendment's text suggests, a personal right."[4] The unmistakable trend among constitutional scholars is towards recognizing that the Second Amendment confers a personal, individual right. For example, although arguing for a narrow construction of the Amendment, Professor Laurence Tribe has squarely concluded that the Second Amendment provides a "right (admittedly of uncertain scope) on the part of individuals to possess and use firearms in the defense of themselves and their homes." 1 LAURENCE H. TRIBE, AMERICAN CONSTITUTIONAL LAW 902 n.221 (3d ed. 2000). Professors

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4. *Printz* v. *United States*, 521 U.S. 898, 938 n.2 (1997) (Thomas, J., concurring) (citing, *inter alia*, JOYCE L. MALCOLM, TO KEEP AND BEAR ARMS: THE ORIGINS OF AN ANGLO-AMERICAN RIGHT 162 (1994); STEPHEN HALBROOK, THAT EVERY MAN BE ARMED, THE EVOLUTION OF A CONSTITUTIONAL RIGHT (1984); William Van Alstyne, *The Second Amendment and the Personal Right to Arms*, 43 DUKE L. J. 1236 (1994); Akhil R. Amar, *The Bill of Rights and the Fourteenth Amendment*, 101 YALE L.J. 1193 (1992); Sanford Levinson, *The Embarrassing Second Amendment*, 99 YALE L.J. 637 (1989)).

Sanford Levinson and Akhil Amar in large part agree.[5] Professor Nelson Lund maintains that the Amendment confers an individual right to keep and bear arms, and thereby helps to protect "the most fundamental individual right, the right of self-defense." Nelson Lund, *The Second Amendment, Political Liberty, and the Right to Self-Preservation*, 39 ALA. L. REV. 103, 130 (1987). Professor Joyce Lee Malcolm has found that the Amendment's historical lineage favors the interpretation that it guarantees an individual right to arms. *See, generally*, MALCOLM, *supra*.

The individual-rights view is now also the position of the United States. *See* U.S. Br. 10-19; Memorandum from John Ashcroft, Attorney General, to All United States Attorneys (Nov. 9, 2001), *available at* http://www.usdoj.gov/osg/briefs/2001/0responses/2001-8780.resp.pdf (discussing *United States* v. *Emerson*). Indeed, the Office of Legal Counsel has issued an exhaustive opinion for the Attorney General concluding that "[t]he Second Amendment secures a right of individuals generally, not a right of States or a right restricted to persons serving in militias." STEVEN G. BRADBURY ET AL., U.S. DEP'T OF JUSTICE, MEMORANDUM OPINION FOR THE ATTORNEY GENERAL: WHETHER THE SECOND AMENDMENT SECURES INDIVIDUAL RIGHT 1 (2004), *available at* http://www.usdoj.gov/olc/secondamendment2.pdf.

Contemporaries of the first Congress and nineteenth-century constitutional scholars also agreed that the Second Amendment confers an individual right.

5. *See* Amar, *supra*; Levinson, *supra*.

When St. George Tucker published his five-volume edition of Blackstone's Commentaries in 1803, he observed that "[w]herever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction." WILLIAM BLACKSTONE, 1 COMMENTARIES 300 (St. George Tucker ed., Augustus M. Kelley 1969) (1803). He further pointedly criticized the English Bill of Rights for limiting its guarantee of arms ownership to Protestants, while the American right was "without any qualification as to their condition or degree, as is the case in the British government." *Id.* at 143.

Thomas Cooley directly addressed the issue of the scope of the Amendment's guarantee: "It might be supposed from the phraseology of [the Second Amendment] that the right to keep and bear arms was only guaranteed to the militia; *but this would be an interpretation not warranted by the intent* . . . . [T]he meaning of the [amendment] undoubtedly is, that the people, from whom the militia must be taken, shall have the right to keep and bear arms; and they need no permission or regulation of law for the purpose." THOMAS M. COOLEY, THE GENERAL PRINCIPLES OF CONSTITUTIONAL LAW IN THE UNITED STATES OF AMERICA 270-72 (Rothman & Co. 1981) (1880) (emphasis added). Justice Joseph Story similarly concluded that the "right of the citizens to keep, and bear arms has justly been considered, as the palladium of the liberties of the republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist, and triumph over them." JOSEPH STORY, COMMENTARIES

ON THE CONSTITUTION OF THE UNITED STATES 708-09 (Carolina Academic Press 1987) (1833).

These contemporary scholars understood that the Second Amendment guaranteed each American the right to "keep" and "bear" arms as the foundation of the militia that would provide security for a "free" State. If the people were disarmed there could be no militia (well-regulated or otherwise) as understood by the Framers.

D. The Second Amendment's History Demonstrates That It Guarantees an Individual Right to Arms.

The historical context of the Second Amendment also supports the court of appeals's conclusion that it guarantees an individual right to arms. When the Amendment was adopted, the drafters undoubtedly looked to the provisions in many of the state constitutions as models. Volokh, *supra*, at 814-21. At that time, almost half of the States with bills of rights included provisions recognizing that right. Nelson Lund, *The Past and Future of the Individual's Right to Arms*, 31 GA. L. REV. 1, 54 (1996).

The Framers were also guided by the evolution of individual rights in England. As the Court has stated, "[t]he historical necessities and events of the English constitutional experience . . . were familiar to" the Framers and should "inform our understanding of the purpose and meaning of constitutional provisions." *Loving* v. *United States*, 517 U.S. 748, 766 (1996).

The English Declaration of Rights of 1689 came approximately a century before our own. It provided that "the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed

by law." 1 W. & M., 2d sess., c. 2, Dec. 16, 1689 (quoted in 5 THE FOUNDERS CONSTITUTION 210 (Philip B. Kurland & Ralph Lerner eds., 1987)). The right of the English Monarch's "subjects" to have arms is by its terms an individual one, and it was so understood by William Blackstone, who provided the standard reference work for Colonial and early American lawyers.

Blackstone explained that the right of "having" arms is among the five basic rights of every Englishman, which were essential to secure the "primary rights" of each individual. WILLIAM BLACKSTONE, 1 COMMENTARIES 136, 139 (Legal Classics Library 1983) (1765). Blackstone saw the right to bear arms as a natural right because it arose from the natural right of self-preservation and the right of "resistance . . . to the violence of oppression." *Id.*, at 139. Blackstone's conception of the individual right to bear arms as protection against oppression would have been particularly relevant to the Framers, who had themselves just taken part in a bloody struggle against the oppression of the English Crown.

Thus, the Framers' own experience informed their understanding of the "right of the people to keep and bear Arms," and the fundamental relationship of this right to "the security of a free State." The Framers recognized that the best security against an oppressive regime was a free citizenry capable of defending its rights. As Alexander Hamilton explained,

> "if circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little, if at

> all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens." THE FEDERALIST NO. 29, at 229 (Alexander Hamilton) (Benjamin Wright ed., 1961).

The Second Amendment answered the potential threat of a standing army with the guarantee that individual citizens could not be disarmed. The Framers saw that individual right as an essential bulwark of the people's liberties. This Court should as well, and should affirm the judgment of the court of appeals.[6]

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6. Although the Court need not reach the issue of incorporation in this case, *amici* States submit that the right to keep and bear arms is fundamental and so is properly subject to incorporation. To be sure, early decisions of this Court cast doubt on Second Amendment incorporation, *see United States* v. *Cruikshank*, 92 U.S. 542, 553 (1875); *Presser* v. *Illinois*, 116 U.S. 252, 264-65 (1886), but those opinions predated the Court's broad-based incorporation of the Bill of Rights against the States. *See Duncan* v. *Louisiana*, 391 U.S. 145, 148 (1968). In the judgment of *amici* States, the right to keep and bear arms is "so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Palko* v. *Connecticut*, 302 U.S. 319, 325 (1937) (citations and internal quotation marks omitted), *overruled on other grounds*, *Benton* v. *Maryland*, 395 U.S. 784 (1969). Authors of the Fourteenth Amendment concurred. *See* Van Alstyne, *supra* note 4, at 1252 (noting that in reporting the Fourteenth Amendment to the Senate, Senator Howard of Michigan described the right to keep and bear arms as among the Constitution's "great fundamental guarantees" (internal quotation marks omitted)).

A fortiori the Second Amendment applies to the District of Columbia. *See District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100, 109 (1953) (finding "no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power *subject of course to constitutional limitations* to which all lawmaking is subservient" (emphasis added)). The District's only

II. THE COURT OF APPEALS CORRECTLY HELD THAT THE DISTRICT OF COLUMBIA'S FIREARMS REGULATIONS ARE UNCONSTITUTIONAL.

This case concerns three ordinances that together effectively prohibit the private possession in one's home of any operative firearms. In an attempt to narrow the issues before the Court, the District tried to frame the question presented as concerning only its ordinance banning the private possession of handguns. Pet. i, 7 n.2. Tellingly, the District urged that "broadening the question to address the effect of Section7-2507.02 [the trigger-lock provision] would needlessly complicate the case." Pet. Reply 6.

The Court rejected that attempt, and instead reframed the question presented to consider the collective effect of *all three* challenged provisions of the D.C. Code, §§7-2502(a)(4), 22-4504(a), and 7-2507.02. *Dist. of Columbia* v. *Heller*, 128 S.Ct. 645 (2007) (mem.).

Because the District's citizens cannot selectively abide by portions of its firearms prohibitions, but rather must comply with *all* of those prohibitions or face criminal penalties,[7] evaluating whether these statutes are constitutionally valid necessarily involves consideration of how they act together to restrict the constitutional right to keep and bear arms. *Cf. Randall* v. *Sorrell*, 548 U.S. 230 (2006) (plurality op.) (concluding that a State's campaign

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argument to the contrary—that D.C. is not a State whose militia is the object of the Amendment—is premised on it erroneous theory that the Second Amendment protects only collective, not individual, rights.

7. *See* D.C. CODE §§7-2507.06; 22-4515.

contribution limits, taken together, unconstitutionally restricted a candidate's First Amendment rights); *Williams* v. *Rhodes*, 393 U.S. 23, 34 (1968) (concluding that "the totality of the Ohio restrictive laws taken as a whole impose[] a burden on voting and associational rights which we hold is an invidious discrimination, in violation of the Equal Protection Clause").

The D.C. Code provisions at issue operate together as a unitary statutory scheme. D.C. Code §7-2502.02(a)(4) prohibits the registration of a pistol not registered in the District prior to 1976. Section 22-4504 separately restricts the carrying of a pistol, and is challenged in this case to the extent it bans individuals from moving lawfully registered handguns within their own homes, Pet. App. 54a. Finally, §7-2507.02 provides in relevant part that a registered firearm must be kept "unloaded and disassembled or bound by a trigger lock or similar device."

Together, these provisions prohibit Mr. Heller from ever possessing, in his home, an operable firearm. In an attempt to temper the absolute nature of that bar, the District now contends that §7-2507.02 must be read to include an implied exception for self defense, even though the text of that provision contains not a word to that effect. Petitioners' Br. 56. Instead, the text is mandatory ("each registrant *shall* keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device") and on its face contains no such exception.[8]

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8. Petitioners expressly acknowledge that, absent the *ad hoc* exception that they would like to engraft onto the plain text—"the law would be unreasonable." Petitioners' Br. 56.

In making that argument, Petitioners point to no precedent supporting the notion that an individual must risk criminal prosecution under a statute categorically restricting his or her constitutional rights, in the hope that a court might subsequently alter the text to protect those rights in some limited circumstances. And *amici* States are aware of none.

Thus, the only fair reading of these ordinances' plain text is that together they operate as a sweeping prohibition on any effective exercise of the right to keep and bear arms in the District of Columbia.

A. The Court of Appeals's Decision Should Be Affirmed Because Statutes Effectively Prohibiting Any Citizen From Keeping and Bearing "Arms" Are Unconstitutional.

The court of appeals recognized that the individual right to keep and bear arms is not an absolute right immune from restriction. Pet. App. 51a. Rather, the court noted that the right to keep and bear arms, which pre-existed and was preserved by the Second Amendment, has traditionally been subject to "the sort of reasonable regulations contemplated by the drafters of the Second Amendment." *Id.* The court correctly concluded, however, that because the District's ordinances categorically prohibit the possession of functional firearms in private homes, they are unreasonable and unconstitutional.

1. The D.C. Code provisions concern "Arms" protected under the Second Amendment.

In evaluating the validity of the District's firearms prohibitions, the court of appeals adopted a two-part

test—drawn in part from this Court's opinion in *Miller*—that considered first whether the District's ordinances affected "Arms" protected under the Second Amendment. If the District's regulations affected only weapons that are not "Arms," they could not run afoul of the Amendment's protections. *See id.*, at 48a-51a, 53a-55a. If, on the other hand, the regulations in question did affect "Arms," the court would then move to the second part of the test: whether the regulations are "reasonable." *See id.*, at 51a-55a.

In determining whether the regulations affected "Arms" protected by the Second Amendment, the court of appeals followed the test set forth by this Court in *Miller*, under which a weapon is an "Arm[]" if it: (1) bears a "'reasonable relationship to the preservation or efficiency of a well regulated militia;'" and (2) is "'of the kind in common use at the time.'" *Id.*, at 48-49a (quoting *Miller*, 307 U.S., at 178-79). The court properly concluded that the handguns and long guns subject to the District's prohibitions meet both prongs of the *Miller* test and are therefore protected under the Amendment. *Id.*, at 51a.

As the court explained, "[t]he modern handgun—and for that matter the rifle and long-barreled shotgun—is undoubtedly quite improved over its colonial-era predecessor, but it is, after all, a lineal descendant of that founding-era weapon, and it passes *Miller's* standards." *Id.* In this regard, the court noted, just as the First Amendment protects "modern communications devices unknown to the founding generation," the Second Amendment likewise protects the "modern-day equivalents" of colonial-era weapons. *Id.* Thus, while the court's test would properly include weapons such as rifles

and handguns as protected "Arms" under the Amendment, a cannon, for example, would not be a protected "Arm" because it is not in common use by American citizens. *See* Pet. App. 50a-51a.

2. The court of appeals correctly concluded that the District's statutes are unconstitutional.

Having concluded that the District's restrictions implicated "Arms" protected under the Second Amendment, the court moved to the second part of its test and considered whether the District's statutes are "reasonable regulations." *Id.* at 51-52a. The court observed that, "[t]he protections of the Second Amendment are subject to the same sort of reasonable restrictions that have been recognized as limiting, for instance, the First Amendment." *Id.* at 51a. The court specifically analogized to "'reasonable restrictions on the time, place, or manner of protected speech.'" *Id.* (quoting *Ward* v. *Rock Against Racism*, 491 U.S. 781, 791 (1989)), as the type of regulations that, in the Second Amendment context, could permissibly restrict the right to keep and bear arms. *Id.* Under the Court's First Amendment precedent, of course, this type of restriction must be "narrowly tailored to serve a significant governmental interest," and must "leave open ample alternative channels for communication of the information." *Ward*, 491 U.S., at 791 (internal quotation marks omitted).

Applying these principles, the court of appeals correctly recognized that the District's statutes, which effectively forbid citizens from possessing handguns or operable long guns in their homes, are not really "regulations" of the right to keep and bear arms. *See* Pet.

App. 53a. Rather, these statutes form a categorical "'prohibition, of . . . "arms" which the people are entitled to bear.'" *Id.* (quoting *State* v. *Kerner*, 107 S.E. 222, 225 (N.C. 1921)). Accordingly, the court appropriately concluded that because these statutes essentially deprive all the District's citizens of their Second Amendment right to keep and bear arms, the statutes are not "reasonable regulations," but rather facially unreasonable prohibitions. *See id.* But even if characterized as "regulations"—rather than outright prohibitions—the D.C. Code provisions are nonetheless unreasonable under *Ward*. The District justifies these statutes on the ground that they can be expected to "reduce crime, suicide, domestic violence, and accidental shootings." Petitioners'. Br. 11. But although these asserted governmental interests are surely significant, its categorical ban on handguns—the most ubiquitous class of "arm" kept by citizens[9]—and on the possession of all operable long guns in the homes of anyone in the District, can hardly be described as a "narrowly tailored" statutory structure to serve those interests. Rather, these sweeping prohibitions leave no "ample alternatives" for the District's citizens to exercise their rights under the Second Amendment. *Cf. Ward*, 491 U.S., at 791.[10]

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9. As the court of appeals observed, pistols are "the most preferred firearm in the nation to 'keep' and use for protection of one's home and family." Pet. App. 53-54a (citing Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150, 182-83 (1995)).

10. Even if the trigger-lock provision of §7-2507.02 were not considered, *amici* States submit that the District's categorical ban on *all* handguns in essentially all circumstances is facially unreasonable.

B. The Court of Appeals's Decision Should Be Affirmed Because the District's Firearms Prohibitions Also Cannot Withstand Scrutiny Under the Standard of Review Recommended by the United States.

The United States has advocated a standard of review that it believes is different from that applied by the court of appeals. U.S. Br. 23-24 & n.6. The United States therefore recommends that the Court should vacate and remand the case for further review under the United States's recommended "intermediate" level of review. *Id.* at 28, 32.

The United States's position cannot bear scrutiny. Regardless of what test is applied—the court of appeals's, the United States's, or some other—the District's categorical ban on all operable firearms cannot survive. Thus, a remand would serve no purpose.[11]

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11. In *Casey*, 505 U.S., at 878-79, the Court adopted a new test for determining the constitutionality of restrictions on abortion—the undue burden standard—but rather than remanding, the Court applied the new standard to the provisions at issue. Similarly, in *McCleskey* v. *Zant*, 499 U.S. 467, 502-03 (1991), the Court adopted the cause and prejudice standard for abuse of writ and affirmed the court of appeals's judgment under its newly-adopted standard.

As Justice Stevens has explained, "[a]ppellate courts in general and this Court in particular have, after correcting an erroneous interpretation of law, appl[ied] the proper legal standard to undisputed facts of record—whether or not such facts have been memorialized in formal findings by 'the original finder of fact.'" *Icicle Seafoods, Inc.* v. *Worthington*, 475 U.S. 709, 716 (1986) (Stevens, J. dissenting). Among other things, "[t]his practice . . . allows appellate courts to give guidance to trial courts by illustrating the proper

The United States begins with the proposition that the Second Amendment "allows for reasonable regulation of firearms, must be interpreted in light of context and history, and is subject to important exceptions, such as the rule that convicted felons may be denied firearms." U.S. Br. 8. The court of appeals's decision is consistent with these principles. *See supra* Part II.A.

The United States goes on, however, to set forth a different, "heightened" standard of review for regulations that "directly limit[] the private possession of 'Arms' in a way that has no grounding in Framing-era practice." U.S. Br. 8. The United States acknowledges that the District's statutes directly limit "Arms" protected by the Second Amendment and have no grounding in "Framing-era practice." *Id.* According to the United States, this type of regulation is therefore subject to an "intermediate level of review," under which "the 'rigorousness' of the inquiry depends on the degree of the burden on protected conduct." *Id.* Thus, under the United States's test, the greater the scope of the prohibition and its impact on private firearm possession, the more difficult it will be to defend under the Second Amendment. U.S. Br. 27.

The United States's standard is derived from First Amendment election-law decisions that likewise instruct that the greater the restriction, the more exacting the scrutiny must be. *See* U.S. Br. 24 & n.6 (citing *McIntyre* v. *Ohio Elections Comm'n*, 514 U.S. 334 (1995); *Timmons* v. *Twin Cities Area New Party*, 520 U.S. 351 (1997); and *Burdick* v. *Takushi*, 504 U.S. 428 (1992)). The United States gives no reason why these election cases should

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application of a new legal standard in a particular case." *Id.*

provide the appropriate Second Amendment standard of review, but, if they were extended to do so, the District's ordinances would not survive.

Indeed, under these cases, the District's sweeping prohibitions would likely be reviewed under strict scrutiny—a far more demanding standard than the "reasonableness" standard applied by the court of appeals. "Regulations imposing severe burdens on plaintiffs' rights must be narrowly tailored and advance a compelling state interest." *Timmons*, 520 U.S., at 358; *Burdick*, 504 U.S., at 433; *McIntyre*, 514 U.S., at 347.[12]

And, by any measure, the District's categorical ban on possessing any operable firearms in his home must be viewed as a "severe burden" on Mr. Heller's Second Amendment rights. Thus, strict scrutiny would apply, which the District ordinances would necessarily fail.

Even if the Court did not apply strict scrutiny, the District's statutes would also fail the (presumably alternative) less restrictive test set forth in the United States's brief. U.S. Br. 8. This test would evaluate the validity of the District's firearms prohibitions under the following standard: "(a) the practical impact of the challenged restriction on the plaintiff's ability to possess firearms for lawful purposes (which depends in turn on the nature and functional adequacy of available alternatives), and (b) the strength of the government's interest in

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12. In *McIntyre*—the case that the United States says best demonstrates the distinction between its proposed standard and that of the court of appeals, U.S. Br. 24 n.6—the Court applied strict scrutiny and struck down an Ohio electioneering law that prohibited the distribution of anonymous political documents. 514 U.S., at 344.

enforcement of the relevant restriction." *Id.* Even assuming the important governmental interests articulated by the District, its firearms prohibitions cannot meet part (a) of the United States's test—which strongly resembles the "ample alternative channels for communication" standard set forth in *Ward*, 491 U.S., at 791—because the District's prohibitions effectively leave its citizens with no alternatives regarding the possession of functional firearms in their homes for self-defense. Thus, even applying the test(s) suggested by the United States, the District's statutory scheme remains facially unconstitutional.

C. The Unreasonableness of the District's Statutory Scheme Is Further Evidenced by the Fact That It Runs Counter to the Regulatory Approach of All Fifty States.

To the extent the Court looks beyond the standard adopted by the court of appeals or those suggested by the United States, the unreasonable nature of the D.C. Code provisions is also evident when compared to the statutory approach of the fifty States.

The Legislatures of all fifty States are united in their rejection of bans on private handgun ownership. Every State in the Union permits private citizens to own handguns.[13] Forty-five States go further, allowing private citizens to carry concealed handguns for self-defense.[14] Thus, the District's sweeping firearm prohibitions are not only contrary to the Constitution, but also contrary to the

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13. *See* APPENDIX.

14. *See* APPENDIX.

reasoned judgment of every state legislature in the Nation.

Indeed, for that reason, this diverse coalition of 31 *amici* States is of one accord that—under any standard—the District of Columbia's categorical ban cannot be sustained.

III. None of the Federal Firearms Regulations Discussed in the United States's Brief Is Jeopardized by the Court of Appeals's Decision.

The United States asserts that application of the court of appeals's standard would jeopardize the validity of a variety of federal firearms regulations. *See* U.S. Br. 21-22, 25-27. This concern is misplaced.

The federal firearms regulations that the United States suggests may be vulnerable fall into four categories: (1) restrictions on the *type* of firearms that may be possessed, (2) restriction on *who* may possess firearms, (3) restrictions on *where* firearms may be possessed, and (4) economic restrictions on the import, export, and exchange of firearms. *See* U.S. Br. 21-22, 25-27.

In regard to the first category, the United States notes that federal law generally prohibits the possession of both machine guns and firearms that are undetectable by metal detectors and x-ray machines. U.S. Br. 2 (citing 18 U.S.C. §922(o) (machine guns), (p) (undetectable firearms)). But neither of these regulations is impliedly invalidated by the court of appeals's decision.

A court would likely conclude that machine guns and undetectable firearms do not constitute "Arms" under the Second Amendment. Even if these weapons could be

described as bearing a reasonable relationship to the preservation or efficiency of a well regulated militia, they could not be accurately categorized as the kinds of weapons that are currently in "common use" by American citizens. *See* Pet. App. 49a. And even if these weapons were considered "Arms," the federal laws would likely survive under the reasonableness standard because the regulations target a particularly dangerous feature of specific firearms and do not inhibit the core functionality of the general class of firearms.

Second, the United States focuses on federal regulations addressing particular individuals who may not possess firearms. U.S. Br. 25-26. Specifically, federal law prohibits possession of firearms by, *inter alia*, convicted felons, fugitives from justice, illegal drug users, mentally ill persons, illegal aliens, and those who have been convicted of domestic violence. 18 U.S.C. §922(g). The United States's concerns are unfounded because, as the court of appeals recognized—consistent with centuries of common law—prohibiting firearm possession by people with particularly dangerous characteristics is presumptively reasonable and constitutionally valid. Pet. App. 52a; *see also Emerson*, 270 F.3d, at 264 (concluding that 18 U.S.C. §922(g)(8) is a reasonable regulation).

Third, the United States's fear of constitutional vulnerability concerning the federal restrictions on *where* a firearm may be possessed is equally unfounded. The federal laws cited by the United States that prohibit the private possession of firearms in certain places would not offend the Constitution under the standard articulated by the court of appeals. To the contrary, the court of appeals explicitly affirmed reasonable time, place, or manner

regulations of the right to keep and bear arms. Pet. App. 51-52a.

Finally, federal laws regulating the import, export, and transfer of firearms arise from Congress's power to "regulate Commerce with foreign Nations, and among the several States," and have only an incidental effect on the Second Amendment right to keep and bear arms. As such, they would not be subject to heightened scrutiny.

Accordingly, there is no basis for the United States's concern that these laws may face invalidation under the court of appeals's decision. Indeed, it bears emphasis that *amici* States likewise have a strong interest in maintaining the many state laws prohibiting felons in possession, restricting machine guns and sawed-off shotguns, and the like. *See* Appendix.

But all 31 *amici* States agree that striking down the District of Columbia's categorical ban on *all* operative firearms would pose no threat to these reasonable regulations. Instead, this case is a threshold case: at issue is whether the Second Amendment has any modern meaning whatsoever. Remaining faithful to the Constitution, there should be only one answer.

CONCLUSION

The Court should affirm the judgment of the court of appeals.

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APPENDIX

CONSTITUTIONAL PROVISIONS AND FIREARMS REGULATIONS BY STATES AND THE DISTRICT OF COLUMBIA

STATE	REGISTRATION / CONCEALED CARRY REGULATIONS	CONST. RIGHT TO ARMS
Alabama	ALA. CODE §§ 13A-11-50 to -85	ALA. CONST. art. I, § 26
Alaska	ALASKA STAT. §§ 18.65.700–.790	ALASKA CONST. art. I, § 19
Arizona	ARIZ. REV. STAT. §§ 13-3101 to -3117	ARIZ. CONST. art. II, § 26
Arkansas	ARK. CODE ANN. §§ 5-73-301 to -320	ARK. CONST. art. II, § 5
California	CAL. PENAL CODE §§ 12050–12054	
Colorado	COLO. REV. STAT. §§ 18-12-201 to -216	COLO. CONST. art. II, § 13
Connecticut	CONN. GEN. STAT. §§ 29-27 to -36L	CONN. CONST. art. I, § 15
Delaware	DEL. CODE ANN. tit., 11 §§ 1441–1459	DEL. CONST. art. I, § 20

STATE	REGISTRATION / CONCEALED CARRY REGULATIONS	CONST. RIGHT TO ARMS
District of Columbia	D.C. CODE ANN. §§ 22-4503 to -4514	
Florida	FLA. STAT. ANN. §§ 790.06–.331	FLA. CONST. art. I, § 8
Georgia	GA. CODE ANN. §§ 16-11-126 to -134	GA. CONST. art. I, § I, ¶ VIII
Hawaii	HAW. REV. STAT. §§ 134-3 to -17	HAW. CONST. art. I, § 1
Idaho	IDAHO CODE § 18-3302	IDAHO. CONST. art. I, § 11
Illinois	430 ILL. COMP. STAT. 65/1 to /16	ILL. CONST. art. I, § 22
Indiana	IND. CODE §§ 35-47-2-1 to -24	IND. CONST. art. I, § 32
Iowa	IA CODE §§ 724.1–.30	
Kansas	KAN. STAT. ANN. §§ 75-7c01 to -7c26	KAN. CONST., Bill of Rights, § 4

STATE	REGISTRATION / CONCEALED CARRY REGULATIONS	CONST. RIGHT TO ARMS
Kentucky	KY. REV. STAT. ANN. §§ 237.110–.142	KY. CONST. § 1(7)
Louisiana	LA. REV. STAT. ANN. § 40:1379.3	LA. CONST. art. I, § 11
Maine	ME. REV. STAT. ANN. tit. 25, §§ 2001-A to 2006	ME. CONST. art. I, § 16
Maryland	MD. PUBLIC SAFETY CODE ANN. § 5-301 to -314	
Mass.	MASS. GEN. LAWS ch. 140 §§ 129B, 131	MASS. CONST. pt. I, art. XVII
Michigan	MICH. STAT. ANN. §§ 28.421–.435	MICH. CONST. art. I, § 6
Minnesota	MINN. STAT. ANN. § 624.714	
Mississippi	MISS. CODE ANN. § 45-9-101	MISS. CONST. art. III, § 12
Missouri	MO. REV. STAT. §§ 571.070, 571.121	MO. CONST. art. I, § 23

STATE	[illegible]	[illegible]
Montana	MONT. CODE ANN. § 45-8-321 to -330	MONT. CONST. art. II, § 12
Nebraska	NEB. REV. STAT. §§ 69-2428 to -2447	NEB.. CONST. art. I, § 1
Nevada	NEV. REV. STAT. 202.3653–.369	NEV.. CONST. art. I, § 11, cl. 1
New Hampshire	N.H. REV. STAT. ANN. § 159:6	N.H.. CONST. pt. I, art. 2-a
New Jersey	N.J. REV. STAT. § 2C:58-4	
New Mexico	N.M. STAT. ANN. §§ 29-19-1 to -14	N.M. CONST. art. 2, § 6
New York	N.Y. PENAL LAW §§ 400.00–.10	
North Carolina	N.C. GEN. STAT. §§ 14-415.10 to .26	N.C. CONST. art. I, § 30
North Dakota	N.D. CENT. CODE §§ 62.1-04-01 to -05	N.D.. CONST. art. I, § 1
Ohio	OHIO REV. CODE ANN. §§ 2923.125 to .1213	OHIO CONST. art. I, § 4

STATE	[illegible]	[illegible]
Oklahoma	OKLA. STAT. ANN. tit. 21, §§ 1290.1–.26	OKLA. CONST. art. II, § 26
Oregon	OR. REV. STAT. §§ 166.291 to .297	OR. CONST. art. I, § 27
Penn.	PA. STAT. ANN. tit. 18, §§ 6106, 6109	PA. CONST. art. I, § 21
Rhode Island	R.I. GEN. LAWS § 11-47-8 to -15	R.I. CONST. art. I, § 22
South Carolina	S.C. CODE ANN. §§ 23-31-205 to -240	S.C. CONST. art. I, § 20
South Dakota	S.D. CODIFIED LAWS §§ 23-7-7 to -8.10	S.D. CONST. art. VI, § 24
Tennessee	TENN. CODE ANN. §§ 39-17-1351 to -1360	TENN. CONST. art. I, § 26
Texas	TEX. GOV'T CODE ANN. §§ 411.171–.208	TEX. CONST. art. I, § 23
Utah	UTAH CODE ANN. §§ 53-5-701 to -711	UTAH. CONST. art. I, § 6

STATE	[illegible]	[illegible]
Vermont	VT. STAT. ANN. tit. 13, § 4003	VT. CONST. ch. I, art 16
Virginia	VA. CODE ANN. § 18.2-308	VA. CONST. art. I, § 13
Washington	WASH. REV. CODE § 9.41.070	WASH. CONST. art. I, § 24
West Virginia	W. VA. CODE § 61-7-4 to -6a	W. VA. CONST. art. III, § 22
Wisconsin	WIS. STAT. §§ 941.23, 941.29	WIS. CONST. art. I, § 25
Wyoming	WYO. STAT. ANN. §§ 6-8-104	WYO. CONST. art. I, § 24

ADDITIONAL STATE STATUTES CONCERNING FIREARMS

STATE	POSSESSION OF FIREARMS BY FELONS	[illegible]
Alabama	ALA. CODE § 13 A-11-72	ALA. CODE § 13A-11-63(a) (sawed-off shotguns and rifles)
Alaska	ALASKA STAT. § 11.61.200	
Arizona	ARIZ. REV. STAT. § 13-904	ARIZ. REV. STAT. § 13-3101(A)(7) (machine guns and short-barreled shotguns and rifles)
Arkansas	ARK. CODE ANN. § 5-73-103	
California	CAL. PENAL CODE § 12021	CAL. PENAL CODE §§ 12001.5 (short-barreled rifles and shotguns); 12220 (machine guns)

STATE	POSSESSION OF [illegible]	[illegible]
Colorado	COLO. REV. STAT. § 18-12-108	COLO. REV. STAT. § 18-12-102 (machine guns and short shotguns and rifles)
Connecticut	CONN. GEN. STAT. § 53a-217	CONN. GEN. STAT. §§ 53-202(b), (c) (assault weapons); 53a-211 (sawed-off shotguns and rifles)
Delaware	DEL. CODE ANN. tit. 11, § 1448	DEL. CODE ANN. tit. 11, § 1444 (sawed-off shotguns and machine guns)
District of Columbia	D.C. CODE § 22-4503	D.C. CODE § 7-2502.02 (machine guns and sawed-off shotguns and rifles)

STATE	POSSESSION OF FIREARMS BY FELONS	[illegible]
Florida	FLA. STAT. § 790.23	FLA. STAT. § 790.221 (machine guns and short-barreled shotguns and rifles)
Georgia	GA. CODE ANN. § 16-11-131	GA. CODE. ANN. § 16-11-122 (machine guns and short-barreled shotguns and rifles)
Hawaii	HAW. REV. STAT. § 134-7	HAW. REV. STAT. § 134-8 ("assault pistols," machine guns, and short-barreled rifles and shotguns)
Idaho	IDAHO CODE ANN. § 18-310	
Illinois	720 ILL. COMP. STAT. 5/24-1.1	720 ILL. COMP. STAT. 5/24-1 (machine guns and short-barreled shotguns and rifles)

STATE	POSSESSION OF FIREARMS BY FELONS	MACHINE GUNS/ SAWED-OFF SHOTGUNS
Indiana	IND. CODE ANN. §§ 35-47-4-5, -6	IND. CODE ANN. §§ 35-47-5-4.1 (sawed-off shotguns); -8 (machine guns)
Iowa	IOWA CODE § 724.26	IOWA CODE §§ 724.1, .2 (machine guns and short-barreled shotguns and rifles)
Kansas	KAN. STAT. ANN. § 21-4204	KAN. STAT. ANN. § 21-4201 (machine guns and short-barreled shotguns)
Kentucky	KY. REV. STAT. § 527.040	
Louisiana	LA. REV. STAT. § 14:95.1	LA. REV. STAT. § 40:1752 (machine guns)
Maine	ME. REV. STAT. ANN. tit. 15, § 393	ME. REV. STAT. ANN. tit. 17-A, § 1051 (machine guns)

STATE	POSSESSION OF FIREARMS EXCEPTIONS	MACHINE GUNS/ SAWED-OFF SHOTGUNS
Maryland	MD. CODE ANN. CRIM. LAW § 5-622	MD. CODE ANN. CRIM. LAW §§ 4-303 ("assault pistols,"); 4-405 (on machine guns); MD. CODE ANN. PUB. SAFETY § 5-203 (short-barreled shotguns and rifles)
Massachusetts	MASS. GEN. LAWS ch. 140, §§ 129B, 129C	MASS. GEN. LAWS ch. 140, § 131M (assault weapons)
Michigan	MICH. COMP. LAWS § 750.224f	MICH. COMP. LAWS §§ 750.224 (machine guns); 750.224b (short-barreled shotguns and rifles)
Minnesota	MINN. STAT. § 609.165	MINN. STAT. § 609.67 (machine guns and short-barreled shotguns)
Mississippi	MISS. CODE ANN. § 97-37-5	

STATE	POSSESSION OF FIREARMS BY FELONS	MACHINE GUNS / SAWED-OFF SHOTGUNS
Missouri	MO. REV. STAT. § 571.070	MO. REV. STAT. § 571.020 (machine guns and short-barreled shotguns and rifles)
Montana	MONT. CODE ANN. § 45-8-313	MONT. CODE ANN. § 45-8-340 (sawed-off shotguns)
Nebraska	NEB. REV. STAT. § 28-1206	NEB. REV. STAT. § 28-1203 (machine guns and short-barreled shotguns and rifles)
Nevada	NEV. REV. STAT. ANN. § 202.360	NEV. REV. STAT. ANN. §§ 202.350 (machine guns); 202.275 (short-barreled rifles and shotguns)
New Hampshire	N.H. REV. STAT. ANN. § 159:3	

STATE	[illegible]	[illegible]
New Jersey	N.J. STAT. ANN. § 2C:39-7	N.J. STAT. ANN. §§ 2C:39-1 (weapons over 60 caliber except shotguns); 2C:39-3 (sawed-off shotguns)
New Mexico	N.M. STAT. ANN. § 30-7-16	
New York	N.Y. PENAL LAW § 265.01	N.Y. PENAL LAW § 265.02 (machine guns, "assault weapons")
North Carolina	N.C. GEN. STAT. § 14-415.1	N.C. GEN. STAT. § 14-409 (machine guns)
North Dakota	N.D. CENT. CODE § 62.1-02-01	N.D. CENT. CODE § 62.1-05-01 (machine guns)
Ohio	OHIO REV. CODE ANN. § 2923.13	OHIO REV. CODE ANN. §§ 2923.11, .17 (machine guns and sawed-off firearms)

STATE	POSSESSION OF FIREARMS BY FELONS	[illegible]
Oklahoma	OKLA. STAT. tit. 21, § 1283	
Oregon	OR. REV. STAT. § 166.270	OR. REV. STAT. § 166.272 (machine guns and short-barreled shotguns and rifles)
Pennsylvania	18 PA. CONS. STAT. § 6105	18 PA. CONS. STAT. § 908 (machine guns and short-barreled shotguns and rifles)
Rhode Island	R.I. GEN. LAWS § 11-47-5	R.I. GEN. LAWS § 11-47-8 (machine guns and short-barreled shotguns and rifles)
South Carolina	S.C. CODE ANN. § 16-23-30	S.C. CODE ANN. § 23-31-330 (machine guns and short-barreled shotguns and rifles)

STATE	POSSESSION OF FIREARMS BY FELONS	[illegible]
South Dakota	S.D. CODIFIED LAWS § 22-14-15	S.D. CODIFIED LAWS § 22-14-6 (machine guns and short-barreled shotguns)
Tennessee	TENN. CODE ANN. § 39-17-1307	TENN. CODE ANN. § 39-17-1302 (machine guns and short-barreled shotguns and rifles)
Texas	TEX. PENAL CODE ANN. § 46.04	TEX. PENAL CODE ANN. §§46.01, .05 (machine guns and short-barreled shotguns and rifles)
Utah	UTAH CODE ANN. § 76-10-503	
Vermont		
Virginia	VA. CODE ANN. § 18.2-308.2	VA. CODE ANN. § 18.2-300 (sawed-off shotguns and rifles)

[illegible]	[illegible]	[illegible]
Washington	WASH. REV. CODE ANN. § 9.41.040	WASH. REV. CODE ANN. § 9.41.190 (machine guns and short-barreled shotguns and rifles)
West Virginia	W. VA. CODE § 61-7-7	W. VA. CODE § 61-7-9 (machine guns)
Wisconsin	WIS. STAT. § 941.29	WIS. STAT. §§ 941.26 (machine guns); 941.28 (short-barreled shot guns and rifles)
Wyoming	WYO. STAT. ANN. § 6-8-102	